



## Ocala Board of Adjustment Agenda - Final Monday, March 18, 2024

### **Meeting Information**

#### *Location*

Ocala City Hall  
110 SE Watula Avenue  
Second Floor - Council Chambers  
Ocala, Florida

<https://www.ocalafl.gov/meetings>

#### *Time*

5:30 PM

#### Board Members:

George Carrasco  
R. William Futch  
James Hartley, Vice-Chairperson  
Rusty Juergens  
Dustin Magamoll

#### Staff:

Jeff Shrum, AICP  
Director  
Growth Management Director

Aubrey Hale  
Planning Director

Gabriela Solano  
Committee Secretary

### WELCOME!

We are very glad you have joined us for today's meeting. The Zoning Board of Adjustment (BOA) is a quasi-judicial board that meets once a month to hear and decide only such special exceptions, variance, and appeals of the building official, as the BOA is specifically authorized to pass upon by the terms of the code and shall decide such questions as are involved in determining whether special exceptions should be granted. It shall grant approvals with such conditions and safeguards as are appropriate under the code and shall deny when not in harmony with the purpose, intent and requirements of the code.

### GENERAL RULES OF ORDER

The BOA is pleased to hear all non-repetitive comments. If you wish to appear before the BOA, please fill out an Appearance Request/Lobbyist Registration Form and give it to the BOA Recording Secretary. When the Chairman recognizes you, state your name and address and speak directly into the microphone. Persons with disabilities needing assistance to participate in any of these proceedings should contact the BOA Recording Secretary at (352) 629-8404 at least 48 hours in advance of the meeting.

### APPEALS

Appeals from decisions of the BOA shall be to the Marion County Circuit Court. Any person or any board, taxpayer, department or bureau of the City aggrieved by any decision of the BOA may seek review by a court of record of such decisions in the manner provided by law. Please be advised that if any person wishes to appeal any decision made by the BOA with respect to any material considered at the above meeting, they will need a record of the proceedings, and that, for such purpose, they may need to ensure a verbatim record of the proceeding is made.

**1. Call to Order**

- a. Pledge
- b. Roll Call for Determination of a Quorum

**2. Public Notice**

- a. [Ocala Gazette](#)

**Attachments:** [Final Ad BOA 03182024.pdf](#)

**3. Public Comments****4. Consideration of the Minutes**

- a. [December 18, 2023 Meeting Minutes.](#)

**Attachments:** [12-18-23 BOA Minutes.pdf](#)

**5. Special Exceptions**

- a. [G & G Holding and Trust LLC / SE23-45207](#)

Petitioner: G & G Holding and Trust LLC  
Planner: Endira Madraveren 352-629-8440  
emadraveren@ocalfl.gov

A request to allow Day Care Facility in R-2, Two-Family Residential zoning district, for property located at 1601 NW 14th Street (Parcel 2195-000-000); approximately 0.56 acres.

*Recommended Action: Approval with conditions*

**Attachments:** [SE23-45207 Staff Report](#)  
[G & G Holding and Trust \(Petition for Relief ADR - 70.51\)](#)  
[FLUEDRA Settlement Agreement](#)

**b. [Ashcroft Properties / SE24-45543](#)**

Petitioner: Ashcroft Properties  
Agent: Miles Anderson Consulting Engineers  
Planner: Emily Johnson 352-629-8313  
ewjohnson@ocalafl.gov

A request to allow multi-family dwellings in B-4, General Business zoning district, for property located at 3415 W Anthony Rd (Parcel 25226-008-02); approximately 7.14 acres.

*Recommended Action: Approval with conditions.*

**Attachments:** [SE24-45543 Staff Report](#)  
[SE24-45543 Case Map Avalon](#)  
[SE24-45543 Aerial Map Avalon](#)  
[SE24-45543 CONCEPT PLAN SHOWING MODIFIED BUILDINGS](#)  
[APPROVAL LETTER SE19-0004 FOR REFERENCE ONLY](#)  
[BACKUP SE19-0004 FOR REFERENCE ONLY](#)  
[SE04-0004\\_BOA MINUTES 05-24-04 FOR REFERENCE ONLY](#)

**c. [Creative Learning Preschool, LLC / SE24-45530](#)**

Petitioner: Creative Learning Preschool, LLC  
Planner: Breah Miller 352-629-8341  
bmiller@ocalafl.gov

A request to allow daycare facility in M-1, Light Industrial zoning district, for property located at 5285 SW 1st Lane (Parcel 2318-002-107); approximately 1.20 acres.

*Recommended Action: Approval with conditions*

**Attachments:** [Staff Report](#)  
[Application](#)  
[Aerial Map](#)  
[Case Map](#)

**6. Variances**

a. [4 Sisters Land Holdings, LLC / VAR24-45542](#)

Petitioner: 4 Sisters Land Holdings, LLC

Planner: Breah Miller 352-629-8341

[bmiller@ocalafl.gov](mailto:bmiller@ocalafl.gov)

A request to reduce the rear setback from twenty-five-feet (25') to nine-feet (9') in R-3, Multi-Family Residential zoning district, for property located at 122 SE Wenona Ave (Parcel 2820-027-009); approximately 0.19 acres.

*Recommended Action: Approval with conditions*

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**Attachments:**    [Staff Report](#)  
                              [Aerial Map](#)  
                              [Case Map](#)  
                              [Approved OHPAB Application](#)  
                              [OHPAB Staff Report](#)

7.     **Staff Comments**

8.     **Board Comments**

a.     Elections

6.     **Next Meeting: April 15, 2024**

7.     **Adjournment**





# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

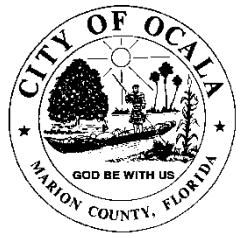
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**File #:** 2024-0981

**Agenda Item #:** a.

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Ocala Gazette



## NOTICE OF PUBLIC HEARING OCALA BOARD OF ADJUSTMENT

The Ocala Board of Adjustment will consider the following petition at its meeting on **Monday, March 18, 2024, commencing at 5:30 pm, in the City Council Chambers located on the Second Floor of City Hall at 110 SE Watula Avenue. The meeting may be viewed live by selecting it at <https://www.ocalafl.gov/meetings>.**

### NORTHWEST

Petitioner: G & G Holding and Trust LLC; Case: SE23-45207; A request to allow Day Care Facility in R-2, Two-Family Residential zoning district, for property located at 1601 NW 14th Street (Parcel 2195-000-000); approximately 0.56 acres.

Petitioner: Ashcroft Properties; Agent: Miles Anderson Consulting Engineers; Case: SE24-45543; A request to allow multi-family dwellings in B-4, General Business zoning district, for property located at 3415 W Anthony Rd (Parcel 25226-008-02); approximately 7.14 acres.

### SOUTHEAST

Petitioner: 4 Sisters Land Holdings, LLC; Case: VAR24-45542; A request to reduce the rear setback from twenty-five-feet (25') to nine-feet (9') in R-3, Multi-Family Residential zoning district, for property located at 122 SE Wenona Ave (Parcel 2820-027-009); approximately 0.19 acres.

### SOUTHWEST

Petitioner: Creative Learning Preschool, LLC; Case: SE24-45530; A request to allow daycare facility in M-1, Light Industrial zoning district, for property located at 5285 SW 1<sup>st</sup> Lane (Parcel 2318-002-107); approximately 1.20 acres.

JEFF SHRUM, AICP  
DIRECTOR, GROWTH MANAGEMENT DEPARTMENT

The agenda and material related to items on each agenda will be available in advance online at [www.ocalafl.gov](http://www.ocalafl.gov).

Interested parties may appear at the meeting and be heard regarding their opinion of the proposed cases. Copies of the proposed cases are available and may be reviewed at the Growth Management Department, 201 SE 3rd Street, Second Floor, Ocala, telephone (352) 629-8404, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

If reasonable accommodations are needed for you to participate in this meeting, contact the Growth Management Department at (352) 629-8404, 48 hours in advance, so those arrangements can be made.

Any person who decides to appeal any decision of the Ocala Board of Adjustment with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made.



# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

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**File #:** 2024-0982

**Agenda Item #:** a.

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December 18, 2023 Meeting Minutes.



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

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**Monday, December 18, 2023**

**5:30 PM**

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**1. Call to Order**

- a. Pledge
- b. Roll Call

**Present:** Vice Chair James Hartley  
William R. Futch  
Rusty Juergens  
Justin MacDonald  
Dustin Magamoll

**Absent:** Chairperson Joyce Johnson

**Excused:** George Carrasco Jr.

**2. Public Notice**

- a.

**Attachments:** [FINAL Ad BOA 12182023.pdf](#)

**3. Public Comments**

**4. Approval of Minutes**

- a.

**Attachments:** [11-20-23 Final Minutes.pdf](#)

**RESULT:** APPROVED

**MOVER:** William R. Futch

**SECONDER:** Dustin Magamoll

**AYE:** Vice Chair Hartley, Futch, Juergens, MacDonald and Magamoll

**ABSENT:** Chairperson Johnson

**EXCUSED:** Carrasco

**5. Variances**

VAR23-45392 / Joseph Carvalho

**Attachments:** [Staff Report](#)  
[OHPAB Application Packet](#)  
[Survey](#)  
[VAR23-45392 Case Map Joseph Carvalho](#)  
[VAR23-45392 Aerial Map Joseph Carvalho](#)

Ms. Miller displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

Mr. Futch asked if the house would be completed in two years. Joe Carvalho, 727 SE 3rd Street, Ocala, FL, responded that he planned to finish, but it would be great if he got an extension.

Mr. Futch asked if Mr. Carvalho would need to come back to the board if he needed more time. Ms. Madraveren said that he could revise the conditions as stated.

Motion to approve, VAR23-45392, 700 Block of SE 2nd Street. Variance to reduce the front yard setback from twenty (20) feet to thirteen (13) feet and a rear yard setback from twenty-five (25) to fifteen (15) in the R-3, Multi-Family zoning district with the revision that the applicant must receive a Certificate of Occupancy (CO) within 30 months from the date of the approval.

**RESULT:** APPROVED

**MOVER:** William R. Futch

**SECONDER:** Justin MacDonald

**AYE:** Vice Chair Hartley, Futch, Juergens, MacDonald and Magamoll

**ABSENT:** Chairperson Johnson

**EXCUSED:** Carrasco

VAR23-45353 / Natalie and Cody Wells

**Attachments:** [Staff Report](#)  
[OHPAB Application Packet](#)  
[OHPAB Approval Letter](#)  
[VAR23-45353 Case Map Wells](#)  
[VAR23-45353 Aerial Map Wells](#)

Ms. Miller displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

Jerry Stevens, 933 SE 12th Place, Ocala, FL, said he is fortunate to do a lot of work in the Historic District, which brings value to the area.

Motion to approve VAR23-45353, 1213 SE 3rd Street. Variance to reduce the front yard setback from twenty-five (25) feet to twenty (20) feet in R-1, Single Family Residential zoning district.

**RESULT:** APPROVED

**MOVER:** Rusty Juergens

**SECONDER:** Dustin Magamoll

**AYE:** Vice Chair Hartley, Futch, Juergens, MacDonald and Magamoll

**ABSENT:** Chairperson Johnson

**EXCUSED:** Carrasco

**6. Staff Comments**

Ms. Madraveren said there were no items for the January Board of Adjustment Meeting and the meeting would be cancelled.

Mr. Hartley asked about the deadline for the January meeting. Ms. Madraveren said the deadline passed.

**7. Board Comments**

No Board comments.

**8. Next Meeting: January 22, 2024**

The January 22, 2024 meeting will be cancelled.

**9. Adjournment**

The meeting adjourned at 5:44 PM.



# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

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**File #:** 2024-0930

**Agenda Item #:** a.

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G & G Holding and Trust LLC / SE23-45207

Petitioner: G & G Holding and Trust LLC

Planner: Endira Madraveren 352-629-8440

[emadraveren@ocalafl.gov](mailto:emadraveren@ocalafl.gov)

A request to allow Day Care Facility in R-2, Two-Family Residential zoning district, for property located at 1601 NW 14th Street (Parcel 2195-000-000); approximately 0.56 acres.

*Recommended Action: Approval with conditions*



**Applicant:** Future Stars Preschool Academy Inc  
**Property Owner:** G & G Holding and Trust LLC  
**Project Planner:** Endira Madraveren, AICP

**Request:** Special Exception to allow a Day Care Facility in R-2, Two-Family Residential zoning district

**Parcel Information**

Location: 1601 NW 14<sup>th</sup> Street  
Acres: +/- 0.56 acres  
Parcel #: 2195-000-000  
Land Use: Neighborhood  
Zoning: R-2, Two-Family Residential  
Existing use: Church/place of worship

**Adjacent Land**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Neighborhood	R-3	Vacant/Undeveloped
East	Neighborhood	GU	Communications Tower
South	Neighborhood	Inst	Howard Middle School
West	Neighborhood	R-3	Single-Family Residential

**Background:**

The church/place of worship was constructed in 1991. Records with Ocala Electric Utility indicate that the church, operating as “Church of Lord Jesus Christ” had electric services from July 1991 until December 2022. The property, which is located in the 1600 block of NW 14<sup>th</sup> Street, is located in the northwest quadrant of the City. The property was purchased by G & G Holding and Trust LLC in December 2022.

G & G Holding purchased the property with the intention of operating a day care facility from this location. Day care facilities are only permitted in the R-2, Two-family residential, zoning district by special exception.

This case was heard by the Board of Adjustment on July 17, 2023, as the owner/applicant was not present at that meeting the case was tabled. The case was again heard on September 17, 2023, the Board voted to deny the case in a 4-2 vote. The owner subsequently submitted a Petition for Relief through Section 70-51 of the Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA”). A Special Magistrate hearing was conducted between the City, the applicant and a member of the Board of Adjustment to establish additional criteria that would assist in appeasing residents of adjacent properties.



**Basis:**

Approval of the special exception with conditions is recommended as the proposed day care facility is compatible with the surrounding area and the applicant has met the standards for approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5). In addition, an amendment to Day Care Facility land development code regulations to allow indoor play areas in lieu of outdoor play areas for day care facilities was approved by City Council on August 1, 2023. Without the code amendment, use of the property as a day care may not be allowed unless additional land is acquired in order to provide outdoor play area.

**Ocala Code of Ordinance information:**

Special exception definition: a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare.<sup>1</sup>

Special Exception Standards for Approval (Section 122-73(5))<sup>2</sup>:

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- a. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

*Ingress/egress to the property is from an existing driveway on NW 14<sup>th</sup> Street. The main entrance/exit to the building is located on NW Martin Luther King Jr Avenue.*

- b. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

*The requirement for a day care facility is 1 parking space per 5 children, plus one space for each employee (Sec. 122-1010(a)(2)). There are a proposed 50 students and 3 employees, requiring 13 parking spaces. The new conceptual site plan provided by the applicant indicates 16 parking spaces can be provided. Parking is accessed from NW 14<sup>th</sup> Street. The additional parking is subject to site plan approval.*

- c. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

*Pursuant to the conditions of approval the dumpster will be screened from view to mitigate noise, smell, and visual impacts. The time of trash pick-up will adhere to City policies for trash pick-up for commercial uses within residential areas and therefore be limited to the earliest pick-up time of 7am Monday – Friday.*

- d. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

*Water and sewer service is available.*

- e. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

*Screening and buffering requirements will be determined during the minor site plan process.*

- f. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

*All signage must comply with Chapter 110, Ocala Code of Ordinances.*

- g. Required yards and open spaces.

*It appears the property was developed in accordance with yard requirements pursuant to Chapter 122, Ocala Code of Ordinances.*

- h. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

*No exterior building construction is proposed.*

- i. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

*The proposed use is consistent with and supportive of existing nearby uses including existing educational facilities nearby. The proposed use should not negatively impact adjacent and nearby properties.*

- j. Visual, physical and economic impact of the proposed project or use on a historically designated property and district.

*The proposed use will activate a vacant building.*

**Recommended Conditions of Approval:**

1. The subject property cannot support an outdoor play area. City Code and Florida Statutes allow indoor play area space in lieu of outdoor play space for urban child care facilities, if it is deemed unavailable. The City is classified as an urban area by the U.S. Census Bureau.
2. The applicant shall obtain site plan approval to address the increase of impervious surface for additional parking spaces, the reduction of drainage retention area, as well as screening, buffering, and sanitation requirements.

3. The applicant shall apply for building permits for interior renovation of the building in order to meet building code requirements and site permits for installation of additional parking.
4. Certificate of Occupancy must be obtained within 2 years of the approval of this Special Exception.
5. The approval of the Special Exception will remain with the property in perpetuity, regardless of changes in ownership.
6. Hours of operation for childcare will be between the hours of 6am-6pm. The hours of operation will not be limited for facility or site maintenance.
7. Installation of an opaque fence along the western boundary of the property which will be subject to the requirements of site plan approval.
8. The dumpster will be screened from view to mitigate noise, smell, and visual impacts. The time of trash pick-up will adhere to City policies for trash pick-up for commercial uses within residential areas and therefore be limited to the earliest pick-up time of 7am Monday – Friday
9. **ADDITIONAL CONDITION FOR CONSIDERATION:** If a single-family residential dwelling shall be constructed on the adjacent parcel immediately to the north of the property, being currently identified under Marion County Parcel Identification Number 2195-004-000, an opaque fence along the northern boundary shall be constructed by owner of the subject property upon written request of the City.

**Staff Recommendation: Approval of SE23-45207 with conditions**

**PETITION FOR RELIEF PURSUANT TO SECTION 70.51, FLA. STAT.  
TO THE CITY OF OCALA, FLORIDA**

G & G HOLDING AND TRUST LLC, a Florida limited liability company (“G&G”) and FUTURE STARS PRESCHOOL ACADEMY INC., a Florida corporation (“FSPA”) (G&G and FSPA collectively the “Petitioner”), by and through its undersigned counsel, hereby petitions the City of Ocala, Florida (the “City”) for relief pursuant to Section 70.51, Florida Statutes, the Florida Land Use and Environmental Dispute Resolution Act (“FLUEDRA”), and states:

**The Property and FLUEDRA**

1. G&G is the property owner of approximately 0.56 acres of real property located within the City of Ocala, Florida more particularly described and depicted on **Exhibit A** attached hereto (the “Property”). Petitioner qualifies as an “owner” of the Property, as defined in the Act, with standing for relief. The City is a “governmental entity” as defined in the Act.
2. The Property currently has a future land use designation of Neighborhood on the City’s Future Land Use Map, which was assigned to the Parent Tract in 2013 as part of the 2035 Comprehensive Plan. The Property has a zoning of R-2, Two-Family Residential.
3. Pursuant to section 70.51(6), Florida Statutes, a Request for Relief must contain:
  - a. A brief statement of the owner’s proposed use of the property.
  - b. A summary of the development order or description of the enforcement action. A copy of the development order or the documentation of an enforcement action at issue must be attached to the request.
  - c. A brief statement of the impact of the development order or enforcement action on the ability of the owner to achieve the proposed use of the property.
  - d. A certificate of service showing the parties, including the governmental entity, served.

**Statement of the Owner’s Proposed Use of the Property**

4. Petitioner filed a Special Exception request application (the “Request”) to have the Property granted a Special Exception to allow for the operation of a Day Care Facility in an R-2, Two-Family Residential zoning district with the intent to operate a day care facility on the Property (the “Proposed Use”). A copy of the Request application and related attachments is attached hereto as **Exhibit B**. The Request was subsequently assigned by City Staff Case Number SE23-45207.

**Summary of the Development Order**

5. City staff issued thorough reports relating to the Request, a copy of which is attached hereto as **Exhibit C**, recommending approval of the Special Exception with conditions.
6. On July 17, 2023, the Request was heard before the Board of Adjustment (the “BOA”). The Request was tabled until September 18, 2023.

7. On September 18, 2023, the Request was heard before the BOA. In addition to the City staff report, City staff presented competent and substantial evidence relating the compatibility of the use, the lack of expected negative impact on the surrounding areas, a deficit of day care facilities in the NW quadrant of Ocala, and relating to the activation of a vacant building in this portion of Ocala. Based on questions from members of BOA levied at the previous BOA hearing in July, City staff provided testimony that the drop off and pickup times for the adjacent public school “differ greatly” from the times the Proposed Use’s drop off and pickups would occur. Ultimately, City staff reiterated its recommendation of approval for the Request. Members of the BOA then began expressing to City staff concerns related to dumpster placement, dumpster unloading times, dumpster buffering, drop off procedures and their impact on traffic, and the permitted number of students allowed in the day care. City staff advised that the dumpster location and buffering would be determined by Public Works at the time the minor site plan is reviewed and approved. One member of the BOA then asked City staff what other business uses were permitted in R-2 zoning districts and began naming examples of what commercial uses are not permitted in R-2 zoning districts, including a gym and a 10-chair salon. Petitioner and members of the public then presented testimony.
8. Petitioner, submitted oral testimony in support of the Request, substantiation of safeguards relating to drop off procedures, offered to consider alternative conditions, including alternative placement for the dumpster in the site plan approval process and requiring (as was already to be the case) that day care would not be opened on weekends, and then discussed the reduced capacity of the Proposed Use compared to the prior use of the Property as a church.
9. Upon conclusion of Petitioner presentation and public comment, BOA members commenced discussion amongst themselves and made further inquiry of City staff. During such discussion, one BOA member expressed his objection to allowing any commercial use in an R-2 zoning district and asked the other members of the BOA to “put themselves in the shoes” of a neighboring landowner. There was particular discussion by BOA regarding the appropriateness of the area for day care uses with emphasis on the fact that a dumpster would be present, even though the Property is adjacent a public school across NW 14<sup>th</sup> Street to the south, is located adjacent to a four-lane road, and has been a church previously. City staff directed the BOA to review the Standards for Approval contained in the City Code and a BOA member responded by citing standards (a)-(c) but omitting (d)-(j) despite the fact that the City Code states that the Board of Adjustment “shall show in its record these factors and the disposition made thereof.” A member of the BOA moved to deny the Request, and City staff asked for that member to state the reason for the denial on the record. The reason given was “I don’t think it’s compatible with a residential neighborhood. It doesn’t fit.” No other competent and substantial evidence was referenced by members of BOA, and BOA voted 4-2 to deny the Request. City staff provided FSPA with a letter of “Denial of Special Exception Application”, a copy of which is attached hereto as **Exhibit D**, along with a copy of the meeting minutes relating to the Request as published by the City which is attached hereto as **Exhibit E**.

**Statement of the Impact of the Development Order on the Ability  
of the Owner to achieve the Proposed Use of the Property.**

10. BOA's denial of the Request unreasonably and unfairly burdens Petitioners use of the Property as it deprives the Petitioners of the ability to utilize the Property for the Proposed Use.
11. The Property is comprised of a church building and parking lot which was not designed or suitable for residential uses. As such, denial of the Request leaves the Petitioner with no other non-residential uses for the Property besides operating a church (which would still require a Special Exception), operating an assisted living facility (which would also still require a Special Exception), or abandoning the improvements all together.
12. Finally, pursuant to Section 122-135 of City Code, BOA's denial of the Request precludes application for any Special Exception on the entirety of the Property for a period of one year unless waived by affirmative vote of the City Council.

WHEREFORE, based upon the foregoing, Petitioner requests relief under the Act, including the forwarding of this petition to a special magistrate for proceedings required by the Act, together with any and all relief permitted under the Act.

Respectfully submitted, October 18, 2023



\_\_\_\_\_  
 Fred N. Roberts Jr., Esq.  
 Florida Bar No.: 0021238  
 KLEIN & KLEIN, LLC  
 40 SE 11th Avenue  
 Ocala, FL 34471  
 Phone: (352) 732-7750  
 Fax: (352) 732-7754  
 fred@kleinandkleinpa.com  
 Attorney for Petitioner

**CERTIFICATE OF SERVICE AND FILING**

I, the undersigned, hereby certify that a true and correct copy of the foregoing Petition has been filed with Hon. Mayor Kent Guinn, Mayor of the City of Ocala, by hand delivery to City of Ocala City Hall, 110 SE Watula Avenue, Ocala, FL 34471 and by electronic mail to [kguinn@ocalafl.org](mailto:kguinn@ocalafl.org).



Fred N. Roberts Jr., Esq.  
Florida Bar No.: 0021238  
KLEIN & KLEIN, LLC

CC: William Sexton, Esq.  
City Attorney  
VIA EMAIL ONLY - [wsexton@lawyersocala.com](mailto:wsexton@lawyersocala.com)  
(w/ encl.)

Peter Lee  
City Manager  
VIA EMAIL ONLY – [plee@ocalafl.org](mailto:plee@ocalafl.org)  
(w/ encl.)

Exhibit A  
Property

Lots 1, 2, and 3, Bunche Heights, according to the map or plat thereof, as recorded in Plat Book C, Page(s) 98, of the Public Records of Marion County, Florida. Less Road Right of Way



**Exhibit B**  
**Request for Special Exception Application**  
**(12 Pages Attached)**



GROWTH MANAGEMENT DEPARTMENT  
DEVELOPMENT SERVICES  
201 SE 3<sup>rd</sup> STREET, (Second Floor), OCALA, FL 34471  
Phone: (352) 629-8404 Fax: (352) 629-8242  
Email: [gmd@ocalafl.org](mailto:gmd@ocalafl.org) Website: [www.ocalafl.org](http://www.ocalafl.org)

**SPECIAL EXCEPTION REQUEST**  
(\$1,250)

Due Date: Complete application 45 days prior to Zoning Board of Adjustment meeting held on the third Monday of the month. Incomplete applications will not be processed until all required information is submitted. Staff may request additional information to properly review the application.

1. Name of Petitioner(s): Future Stars Preschool Academy Inc.

Address of Petitioner(s): 1601 NW 14<sup>th</sup> Street

City Ocala State FL Zip Code 34475 Phone # 407-474-3800

Fax # 352-509-3900 Email address HarcoUCC@gmail.com

2. a. Parcel account number(s) [from tax roll]: \_\_\_\_\_

b. Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Size of Property \_\_\_\_\_

c. Legal Description: (Please attach)

NOTE: It shall be the applicant's responsibility to provide the correct legal description for the subject property. The application will not be processed until a correct legal description is provided. An electronic file of the legal description in Word format must be submitted with the application.

3. Street address of the property (if the property has no street address Development Services will complete this section):

1601 NW 14<sup>th</sup> Street Ocala FL 34475

4. a. Present Land Use designation: Church Assembly

b. Present Zoning District: \_\_\_\_\_

5. a. Description of the request: Preschool / Daycare

b. Is a variance being requested along with this special exception? \_\_\_\_\_

6. The following items are required (The application will not be processed if these items do not accompany the application.):

- Deed or other proof of ownership
- Notarized signature of the current property owner(s) and the agent's signature, if applicable
- The appropriate fee in cash or check (Payable to the City of Ocala)
- Site plan or site sketch drawn to scale submitted electronically as a pdf.
- Electronic file of legal description in Word format Property and Legal Description

I, Anita Gonzalez, as Owner of G&G Holding and Trust LLC  
[Name] [Title] [Entity name]  
G&G Holding & Trust LLC, being first duly sworn, affirm and say that I am the owner of the property  
[State registry & type (i.e., Inc., LLP, etc.)]  
described above.

[Signature]  
Owner's Signature

1601 NW 14th Street  
Address (Street)

407-462-9187  
Phone Number

Ocala FL 34475  
City, State, Zip Code

State of Florida

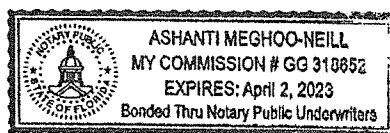
County of Marion

The foregoing instrument was acknowledged before me this 8th, day of February, 2023.

by Anita Gonzalez, as owner of Future Stars Personal Academy, a  
[Name] [Title] [Entity name]  
Florida + Inc., who is personally known to me or has produced  
[State registry & type (i.e., Inc., LLP, etc.)]

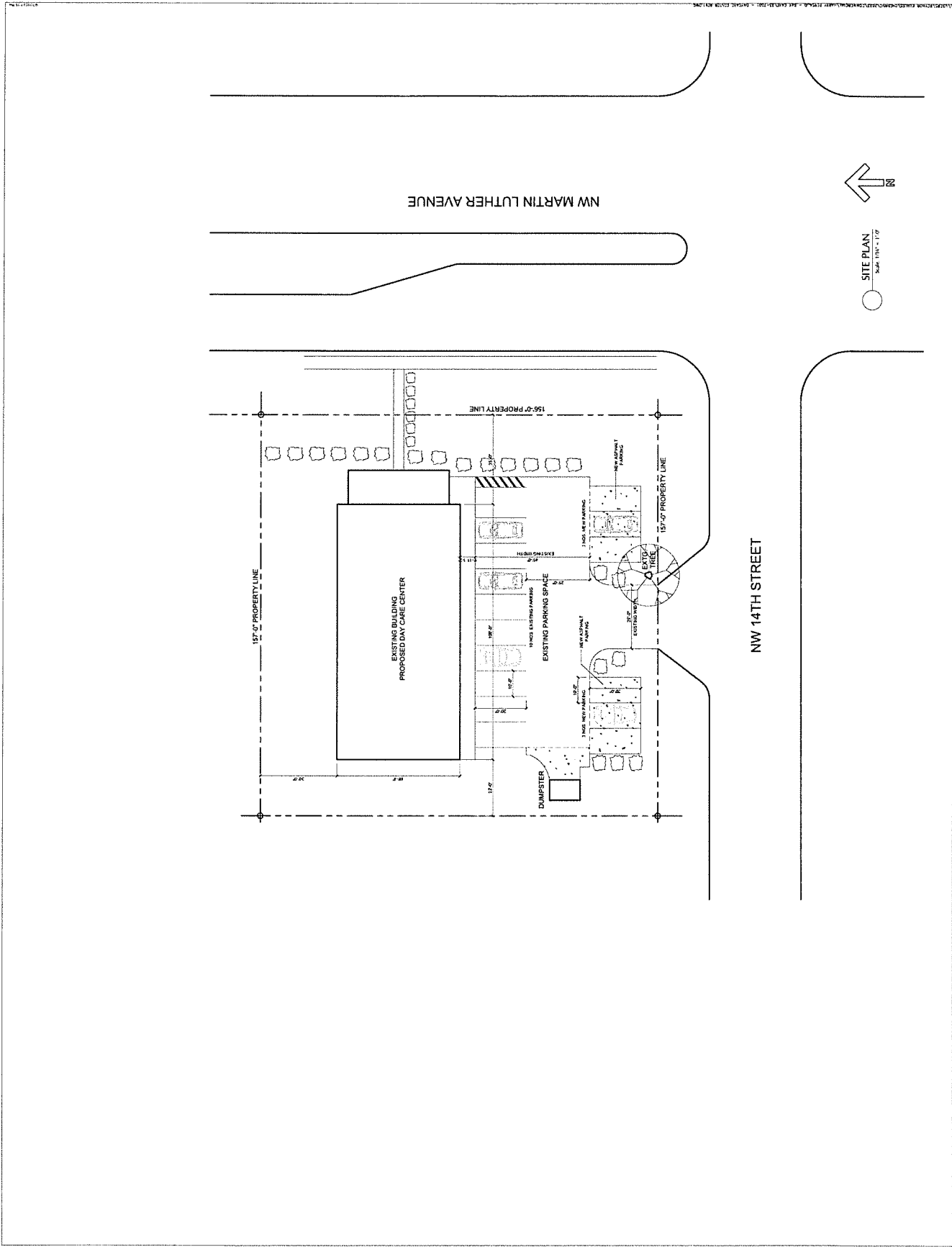
Drivers License as identification and who did / did not take an oath.

[Signature]  
NOTARY PUBLIC

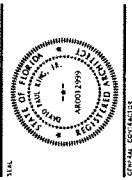


Commission No.: GG318652

Commission Expires: April 2, 2023



DRAWING 334A FOR PLANNING PERMITS  
REVISED



David P. King, Jr.  
ARCHITECT  
2505 NW 41ST AVE  
SUITE 100  
BOCA RATON, FL 33433  
TEL: 561-993-1111  
FAX: 561-993-1112

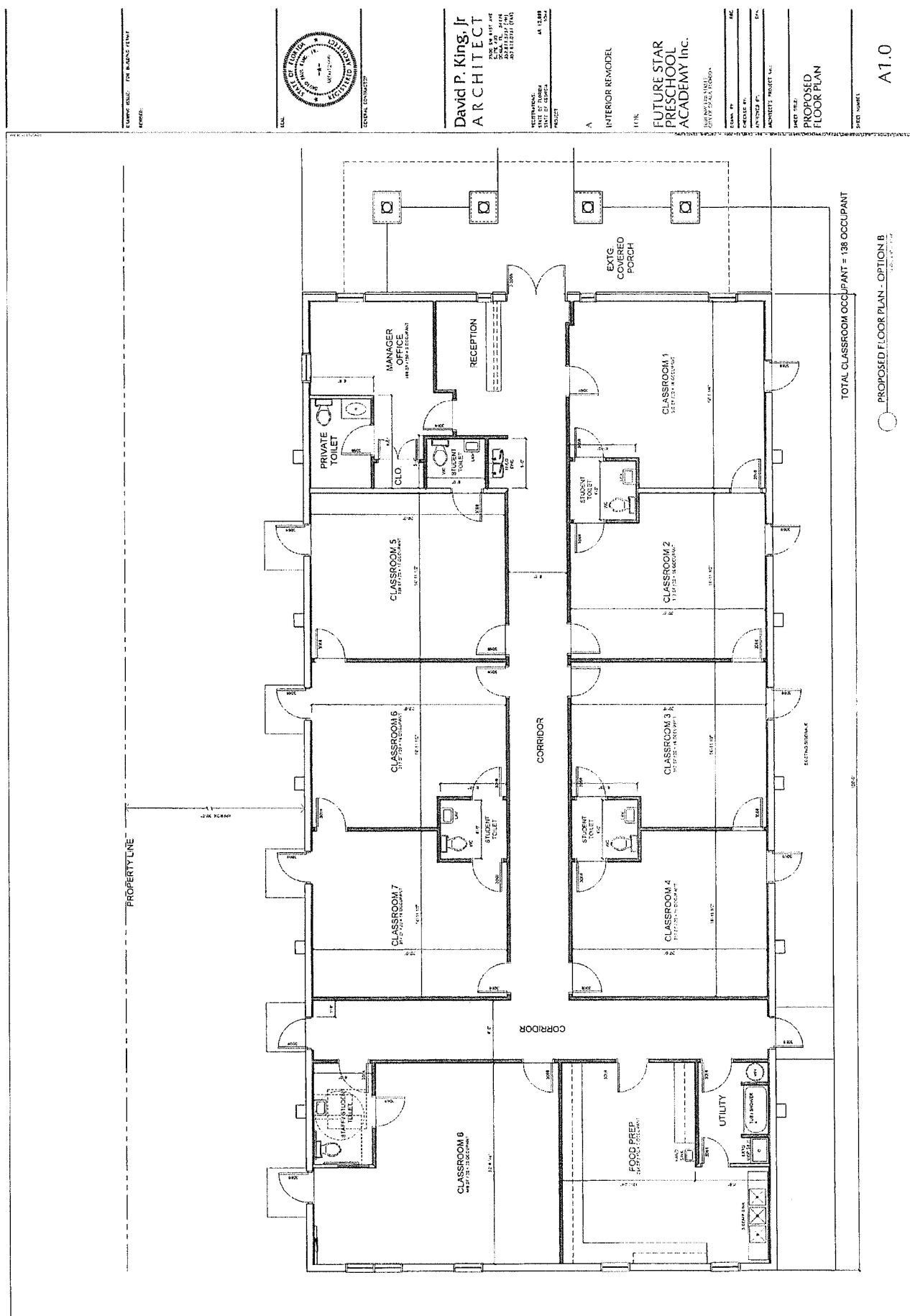
RESPONSIBLE  
ARCHITECT  
STATE OF FLORIDA  
NO. 13444

PROJECT  
INTERIOR REMODEL  
FOR  
FUTURE STAR  
PRESCHOOL  
ACADEMY INC.

DATE: 01/15/2014  
DRAWN BY: [blank]  
CHECKED BY: [blank]  
APPROVED BY: [blank]  
ARCHITECT'S PROJECT FILE: [blank]

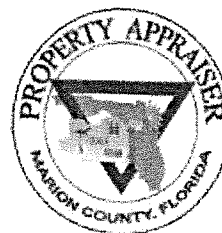
SHEET TITLE  
SITE PLAN

SHEET NUMBER  
SP-1





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



## 2023 Property Record Card

**2195-000-000**

GOOGLE Street View

Prime Key: 554341

Beta MAP IT+

Current as of 2/15/2023

### Property Information

G & G HOLDING AND TRUST LLC  
8002 SE 62 LOOP  
OCALA FL 34472-4330

Taxes / Assessments:

Map ID: 161

Millage: 1001 - OCALA

M.S.T.U.

PC: 71

Acres: .56

Situs: 1601 NW 14TH ST OCALA

### 2022 Certified Value

Land Just Value	\$12,605		
Buildings	\$310,993		
Miscellaneous	\$4,741		
Total Just Value	\$328,339		
Total Assessed Value	\$327,558	Impact	
Exemptions	\$0	<u>Ex Codes:</u>	(\$781)
Total Taxable	\$327,558		
School Taxable	\$328,339		

### History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2022	\$12,605	\$310,993	\$4,741	\$328,339	\$327,558	\$0	\$327,558
2021	\$7,878	\$285,161	\$4,741	\$297,780	\$297,780	\$0	\$297,780
2020	\$7,878	\$294,214	\$4,741	\$306,833	\$306,833	\$0	\$306,833

### Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
7950/0136	12/2022	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$374,000
7922/1327	11/2022	05 QUIT CLAIM	7 PORTIONUND INT	U	I	\$100
7952/0380	04/2009	71 DTH CER	0	U	I	\$100
2142/0725	05/1995	71 DTH CER	0	U	V	\$100
1682/1892	09/1990	07 WARRANTY	8 ALLOCATED	U	V	\$23,460
0513/0653	01/1972	02 DEED NC	0	U	V	\$100

### Property Description

SEC 12 TWP 15 RGE 21  
 PLAT BOOK C PAGE 098  
 BUNCHE HEIGHTS  
 LOTS 1.2.3

Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
7120		106.0	157.0	R2	106.00	FF							
0001		50.0	157.0	R2	50.00	FF							

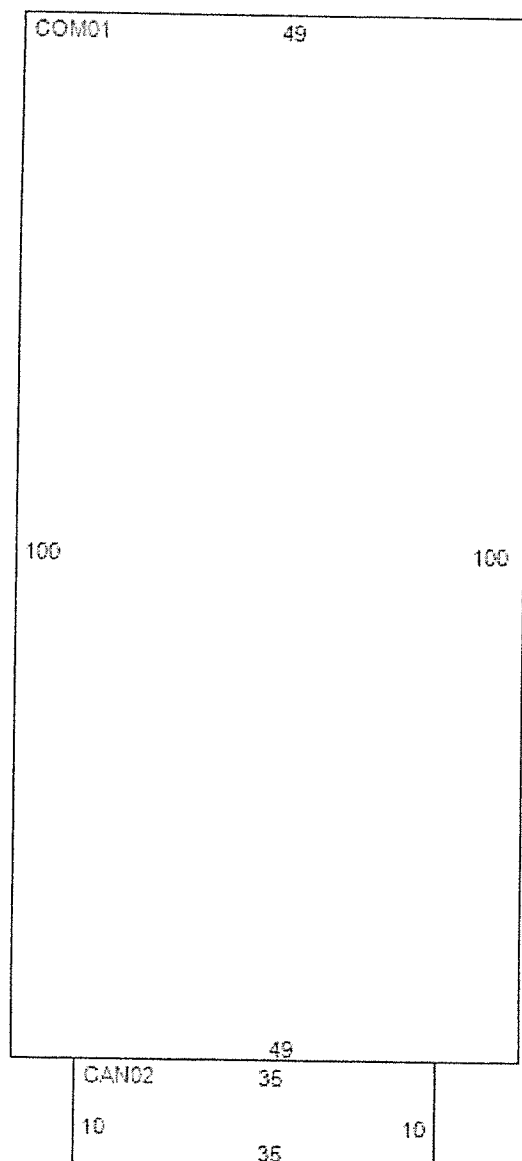
Neighborhood 4523 - BUNCHE/ RICHMOND/BELEDAR ETC  
 Mkt: 8 70

Traverse

**Building 1 of 1**

COM01=L49U100R49D100.L8  
 CAN02=D10L35U10R35.





### Building Characteristics

**Structure** 6 - PILASTERS  
**Effective Age** 5 - 20-24 YRS  
**Condition** 2  
**Quality Grade** 600 - AVERAGE  
**Inspected on** 4/9/2020 by 117

**Year Built** 1991  
**Physical Deterioration** 0%  
**Obsolescence: Functional** 0%  
**Obsolescence: Locational** 0%  
**Base Perimeter** 298

**Exterior Wall** 32 CONC BLK-STUCO44 FACE BRICK-BLK

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	Sprinkler	A/C
1	10.0	1.00	1991	0	4,900	M71 CHURCH	100 %	N Y
2	10.0	1.00	1991	0	350	CAN CANOPY-ATTACHD	100 %	N N

### Section: 1

**Elevator Shafts:** 0      **Aprtments:** 0      **Kitchens:** 0      **4 Fixture Baths:** 3      **2 Fixture Baths:** 0

Elevator Landings: 0

Escalators: 0

Fireplaces: 0

3 Fixture Baths: 0

Extra Fixtures: 3

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
159 PAV CONCRETE	848.00	SF	20	1991	3	0.0	0.0
144 PAVING ASPHALT	5,724.00	SF	5	1991	3	0.0	0.0

Appraiser Notes

THE WHOLE TRUTH CHURCH OF THE LORD JESUS CHRIST

Planning and Building\*\* Permit Search \*\*

Permit Number	Issued Date	Complete Date	Description
OC00226	8/1/1991	-	BLDG01= CHURCH
OC0924	6/1/1991	-	BLDG02= COMM-E/A

Prepared by and return to:

Sandie Rizzo  
 Brick City Title Insurance Agency, Inc.  
 8750 SW Hwy 200  
 Suite 104  
 Ocala, FL 34481  
 (352) 390-2880  
 File No 22-2897

Parcel Identification No 2195-000-000

[Space Above This Line For Recording Data]

## WARRANTY DEED

(STATUTORY FORM – SECTION 689.02, F.S.)

This indenture made the **22nd day of December, 2022** between **Stella Mayo and Jerrell White**, whose post office address is 7066 sw 93rd st road ocala, fl 34476, Grantors, to **G & G Holding and Trust LLC, a Florida Limited Liability Company**, whose post office address is 8002 SE 162nd Loop Ocala FL 34472, Grantee:

**Witnesseth**, that said Grantors, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantors in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Marion, Florida, to-wit:

Lots 1, 2, and 3, Bunche Heights, according to the map or plat thereof, as recorded in Plat Book C, Page(s) 98, of the Public Records of Marion County, Florida. Less Road Right of Way

GRANTORS HEREIN EXPRESS THE AFOREMENTIONED PROPERTY IS NOT THEIR HOMESTEAD NOR IS IT CONTIGUOUS THERETO.

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

**Subject to** taxes for 2022 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**And** Grantors hereby covenant with the Grantee that the Grantors are lawfully seized of said land in fee simple, that Grantors have good right and lawful authority to sell and convey said land and that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

**In Witness Whereof**, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

*Signed, sealed and delivered in our presence:*

*Janeil Campbell*

WITNESS SIGNATURE

Janeil Campbell

PRINTED NAME

WITNESS SIGNATURE

PRINTED NAME

*Janeil Campbell*

WITNESS SIGNATURE

Janeil Campbell

PRINTED NAME

WITNESS SIGNATURE

Erica Jones

PRINTED NAME

*Stella Mayo*

Stella Mayo

*Jerrell White*

Jerrell White

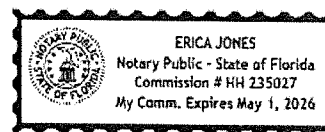
STATE OF FLORIDA  
COUNTY OF MARION

The foregoing instrument was acknowledged before me by means of ( ) physical presence or ☒ online notarization this 22nd day of December, 2022, by Stella Mayo and Jerrell White.

*[Signature]*

Signature of Notary Public

Print, Type/Stamp Name of Notary



Personally Known: \_\_\_\_\_ OR Produced Identification: ☒ \_\_\_\_\_

Type of Identification

Produced: \_\_\_\_\_ Drivers License

## JoAnne Brichetto

---

**From:** Anita Persaud <futurestarsfl@gmail.com>  
**Sent:** Monday, May 8, 2023 12:57 PM  
**To:** JoAnne Brichetto  
**Subject:** Re Scanned document from HP ePrint user

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

12:56

5G

8 Messages

< All Inboxes **Scanned document f...** ^ v

- A. Submitted a drawing for the parking lot (attached)
- B. No off-street parking and loading
- C. Trash is picked up at the curbside in the neighborhood.
- D. This is an existing property with utilities in place. The change of use will not change current utilities in place.
- E. The existing property will not effect change of use or any line item in line E.
- F. Presently, the property has a monument sign out front and is lit up at night by existing fixtures. Our proposed use will and can use the monument sign and any lighting in place.
- G. We will need open space for a playground as our change of use will require a playground for childcare.
- H. Playground equipment will not exceed 8 feet height and we will be permitting a new fence along the perimeter of the property.
- I. Our new proposed use of this property is for childcare, which is needed in the area. The existing building was a church, and we will maintain the exterior structure as is with slight improvements.
- J. We are not changing any of the exterior of the structure however we will be making some improvements such as painting and some beatifications (landscaping).



Sent from my iPhone

Exhibit C  
City Staff Report  
(4 Pages Attached)



Board of Adjustment  
September 18, 2023  
Case No. SE23-45207  
Planning Comments

**Applicant:** Future Stars Preschool Academy Inc  
**Property Owner:** G & G Holding and Trust LLC  
**Project Planner:** Endira Madraveren, AICP

**Request:** Special Exception to allow a Day Care Facility in R-2, Two-Family Residential zoning district

**Parcel Information**

**Location:** 1601 NW 14<sup>th</sup> Street  
**Acres:** +/- 0.56 acres  
**Parcel #:** 2195-000-000  
**Land Use:** Neighborhood  
**Zoning:** R-2, Two-Family Residential  
**Existing use:** Church/place of worship

**Adjacent Land**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Neighborhood	R-3	Vacant/Undeveloped
East	Neighborhood	GU	Communications Tower
South	Neighborhood	Inst	Howard Middle School
West	Neighborhood	R-3	Single-Family Residential

**Background:**

The church/place of worship was constructed in 1991. Records with Ocala Electric Utility indicate that the church, operating as "Church of Lord Jesus Christ" had electric services from July 1991 until December 2022. The property, which is located in the 1600 block of NW 14<sup>th</sup> Street, is located in the northwest quadrant of the City. The property was purchased by G & G Holding and Trust LLC in December 2022.

G & G Holding purchased the property with the intention of operating a day care facility from this location. Day care facilities are only permitted in the R-2, Two-family residential, zoning district by special exception.

**Staff Recommendation: Approval of SE23-45207 with conditions**

**Basis:**

Approval of the special exception with conditions is recommended as the proposed day care facility is compatible with the surrounding area and the applicant has met the standards for

Board of Adjustment  
Planning Comments  
Case No. SE23-45207

approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5). In addition, an amendment to Day Care Facility land development code regulations to allow indoor play areas in lieu of outdoor play areas for day care facilities was approved by City Council on August 1, 2023. Without the code amendment, use of the property as a day care may not be allowed unless additional land is acquired in order to provide outdoor play area.

**Ocala Code of Ordinance information:**

Special exception definition: a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare.<sup>1</sup>

Special Exception Standards for Approval (Section 122-73(5))<sup>2</sup>:

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- a. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

*Ingress/egress to the property is from an existing driveway on NW 14<sup>th</sup> Street. The main entrance/exit to the building is located on NW Martin Luther King Jr Avenue.*

- b. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

*The requirement for a day care facility is 1 parking space per 5 children, plus one space for each employee (Sec. 122-1010(a)(2)). There are a proposed 50 students and 3 employees, requiring 13 parking spaces. The new conceptual site plan provided by the applicant indicates 16 parking spaces can be provided. Parking is accessed from NW 14<sup>th</sup> Street. The additional parking is subject to site plan approval.*

- c. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

*An acceptable dumpster location will be determined by Public Works staff during the minor site plan process.*

- d. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

*Water and sewer service is available.*



Board of Adjustment  
Planning Comments  
Case No. SE23-45207

- e. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

*Screening and buffering requirements will be determined during the minor site plan process.*

- f. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

*All signage must comply with Chapter 110, Ocala Code of Ordinances.*

- g. Required yards and open spaces.

*It appears the property was developed in accordance with yard requirements pursuant to Chapter 122, Ocala Code of Ordinances.*

- h. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

*No exterior building construction is proposed.*

- i. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

*The proposed use is consistent with and supportive of existing nearby uses including existing educational facilities nearby. The proposed use should not negatively impact adjacent and nearby properties.*

- j. Visual, physical and economic impact of the proposed project or use on a historically designated property and district.

*The proposed use will activate a vacant building.*

**Recommended Conditions of Approval:**

1. The subject property cannot support an outdoor play area. City Code and Statutes allow indoor play area space in lieu of outdoor play space for urban child care facilities if it is deemed unavailable. The City is classified as an urban area by the U.S. Census Bureau.
2. The applicant shall obtain site plan approval to address the increase of impervious surface for additional parking spaces, the reduction of drainage retention area, as well as screening, buffering, and sanitation requirements.
3. The applicant shall apply for building permits for interior renovation of the building in order to meet building code requirements and site permits for installation of additional parking.
4. Certificate of Occupancy must be obtained within 2 years of the approval of this Special Exception.

Board of Adjustment  
Planning Comments  
Case No. SE23-45207

5. The approval of the Special Exception will remain with the property in perpetuity.

Exhibit D  
Letter of Denial of Special Exception Application  
(1 Page Attached)



*City of Ocala*

September 28, 2023

Future Stars Preschool Academy, Inc.  
c/o Anita Gonzalez  
1601 NW 14<sup>th</sup> Street  
Ocala, FL 34475

RE: Denial of Special Exception Application  
City of Ocala, Florida – Board of Adjustment  
Case Number SE23-45207

Dear Ms. Gonzalez,

This letter confirms the denial of your application for a special exception, as required by Section 122-353(4)(b)(2), *Code of Ordinances, City of Ocala, Florida*, to allow a day care facility on the property located at 1601 N.W. 14th Street, which has a City of Ocala zoning designation of R-2, Two-Family Residential. Said application was denied by the Board of Adjustment for City of Ocala, Florida in Case Number SE23-45207 following a public hearing conducted in accordance with Chapter 122, *Code of Ordinances, City of Ocala, Florida*, and other relevant provisions of Florida law on or about September 18, 2023.

Following a presentation to the Board of Adjustment of a staff report prepared by the City of Ocala's planning staff which included the relevant standards for approval as outlined in Section 122-73, *Code of Ordinances, City of Ocala, Florida*, the Board of Adjustment voted 4-2 to deny the application; asserting that the proposed use of the property as a day care facility would not be compatible with the surrounding land uses in the residential neighborhood.

In the event that you have any additional questions or concerns regarding this matter, please do not hesitate to give me a call.

Sincerely,

Endira Madraveren, AICP  
Senior Planner

Exhibit E  
BOA Meeting Minutes 9-18-23  
(5 Pages Attached)



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

**Monday, September 18, 2023**

**5:30 PM**

1. Call To Order

**Present:** Vice Chair James Hartley  
George Carrasco Jr.  
William R. Futch  
Rusty Juergens  
Justin MacDonald  
Chairperson Joyce Johnson

**Absent:** Dustin Magamoll

a. Pledge

b. Roll Call for Determination of a Quorum

**Present:** Vice Chair James Hartley  
George Carrasco Jr.  
William R. Futch  
Rusty Juergens  
Justin MacDonald  
Chairperson Joyce Johnson

**Absent:** Dustin Magamoll

c. Agenda Notes

2. Proof of Publication

a. Star Banner Ad

**Attachments:** September BOA AD.pdf

3. Approval of Minutes

a. BOA Minutes - Minutes from July 17, 2023

**Attachments:** BOA July 17 Final Minutes

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** James Hartley

**AYE:** Vice Chair Hartley, Carrasco, Futch, Juergens and Chairperson Johnson

**ABSENT:** Magamoll

4. Special Exception

a. SE23-45207 / G & G Holding and Trust LLC

**Attachments:** SE23-45207 Staff Report  
23-7001 - DAYCARE CENTER rev1-SITE (2)  
DaycareCentersWithZoning (002)  
CaseMap  
Aerial

Ms. Madraveren displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

*Discussion:*

Mr. Carrasco requested information regarding the dumpster schedule. He suggested adding time restrictions to prevent noise impacts. Ms. Madraveren responded the applicant must submit a minor site plan application for the Public Works Department to establish the dumpster locations and a pickup schedule.

Ms. Madraveren confirmed the retention area is facing NW 14th Street. She said the applicant submitted a conceptual site plan in July, which has been modified. The applicant plans on utilizing staggered pick-up to prevent car lines.

Mr. Juergens expressed a concern regarding the dumpster noise. He asked if the plan includes buffering on the backside of the property. Ms. Madraveren responded the Public Works Department can relocate the dumpsters to a different area.

Mr. Futch said traffic stacking is very hazardous.

Ms. Madraveren clarified the procedures for the car stacking operations. She explained how the daycares use the pull-in/pull-out parking method. She provided a brief overview of the R-2 zoning uses.

Mr. Carrasco expressed concern regarding the traffic impacts.

Ms. Anita Gonzalez, 2746 NE 14th Street, Ocala, FL, stated the existing daycare location does not allow carpooling, because it is prohibited by State law. She provided a brief overview of the drop-off/pick-up operations. The proposed dumpster location can be changed. She has never received complaints regarding the dumpster noise at the existing location. However, she will work with the Public Works Department to create a schedule to satisfy the Board's concerns. The proposed drop-off schedule is 6:00 am to 8:30 am. It is subject to change, and the proposed maximum capacity is 50 students.

Mr. Anthony Collins, 1425 NW 16th Court, Ocala, FL, spoke in opposition of the proposed use. He expressed concern regarding the pedestrian safety, the increased noise, and the traffic impacts. He submitted several traffic area photos into evidence.

Ms. Gonzalez stated Mr. Collins concerns are regarding the existing Howard Middle School. The daycare will not operate on weekends, and the proposed student capacity is

less than the church capacity.

Mr. MacDonald stated the traffic going westbound on NW 14th Street would not be an issue.

Mr. Collins expressed concern regarding increased noise and loss of quality of life.

Ms. Gonzalez stated the daycare will not have a set pick-up schedule.

Motion to decline SE23-45207, not compatible with the residential neighborhood.

**RESULT:** DENIED

**MOVER:** George Carrasco, Jr.

**SECONDER:** William R. Futch

**AYE:** Carrasco, Futch, Juergens and Chairperson Johnson

**NAY:** Vice Chair Hartley and MacDonald

**ABSENT:** Magamoll

**b.** SE23-45254 / Guinn III Properties LLC

**Attachments:** SE23-45254 Advanced Tire Recommendation  
Concept #1  
CaseMap  
Aerial

**RESULT:** TABLED

**MOVER:** William R. Futch

**SECONDER:** Justin MacDonald

**AYE:** Vice Chair Hartley, Carrasco, Futch, Juergens, MacDonald and Chairperson Johnson

**ABSENT:** Magamoll

**c.** SE23-45266 / HCA Florida West Marion Hospital

**Attachments:** SE23-45266 Staff Report  
CaseMap  
Aerial  
Supplemental Exterior Elevations

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

*Discussion:*

Mr. Futch asked if the City had a copy of the previously approved application from 2017, and wanted to know if the applicant met the conditions. Ms. Johnson confirmed the applicant met the conditions within 5 years of approval.



Ms. Johnson confirmed the building height is 58-feet. The applicant requested the originally approved 97-feet, to be carried on with the property for future expansion.

Ms. Johnson reiterated the applicant requested 97-feet; however, the addition will only be 58-feet. The applicant is requesting 97-feet for future development.

Ms. Barb Smith, 736 Mt. Pleasant, Nashville, TN, stated they are requesting 97-feet, to match the existing tower. The hospital would like to have the opportunity to expand vertically in the future, if needed.

No public comment.

Motion to approve to increase the maximum height in the INST, Institutional zoning district, from (50) feet to (97) feet, for property located at 4600 SW 46th Court (Parcel # 23832-001-00) approximately 36.77 acres.

**RESULT:** APPROVED

**MOVER:** Justin MacDonald

**SECONDER:** William R. Futch

**AYE:** Vice Chair Hartley, Carrasco, Futch, Juergens, MacDonald and Chairperson Johnson

**ABSENT:** Magamoll

d. SE23-45300 / Juan M Vasquez

**Attachments:** SE23-45300 Staff Report  
SE23-45300 Concept Plan Rev 14 Units  
CaseMap  
Aerial

Ms. Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

*Discussion:*

No Board or public comment.

Motion to approve a request to allow multifamily in a B-4, General Business zoning district, for property located at 424 SW 11th Street; approximately 0.54 acres.

**RESULT:** APPROVED

**MOVER:** Justin MacDonald

**SECONDER:** George Carrasco, Jr.

**AYE:** Vice Chair Hartley, Carrasco, Futch, Juergens, MacDonald and Chairperson Johnson

**ABSENT:** Magamoll

e. SE23-45311 / Pac 3 Properties, LLC

**Attachments:**    Staff Report  
                               Aerial  
                               CaseMap  
                               Site Plan

Ms. Miller displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact.

*Discussion:*

Ms. Miller confirmed the property is adjacent to a previously approved property with a special exception for the retention area.

No public comment.

Motion to approve to allow multifamily in a B-2, Community Business zoning district, for property located at the northeast corner of SW 6th Avenue and SW 12th Street (Parcel# 25829-000-00); approximately 2.17 acres.

**RESULT:**            APPROVED

**MOVER:**            Justin MacDonald

**SECONDER:**       William R. Futch

**AYE:**                Vice Chair Hartley, Carrasco, Futch, Juergens, MacDonald and  
                               Chairperson Johnson

**ABSENT:**           Magamoll

5.    **Comments**

6.    **Next Meeting: October 16, 2023**

7.    **Adjournment**

The meeting adjourned at 6:47 PM.

# Mediated Settlement Agreement

**This Mediated Settlement Agreement ("Agreement")** is made and entered into as of [DATE], by and between the City of Ocala, Florida ("City"), G&G ("Applicant"), and FSPA ("Third Party"), pursuant to the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes.

**WHEREAS**, the Applicant has submitted a Special Exception application to the City for the development of an urban childcare facility on the property located at [PROPERTY ADDRESS] ("Property").

**WHEREAS**, the City, Applicant, and Third Party have participated in mediation to resolve the issues related to the Special Exception application.

**WHEREAS**, the parties desire to settle the dispute and avoid further proceedings, subject only to approval by the City Council of the City.

**NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants contained herein, the parties agree as follows:**

## **1. Outdoor Play Area:**

- The parties acknowledge that the subject property cannot support an outdoor play area, as defined by City Code and Statutes.
- In lieu of an outdoor play area, the City agrees to allow the Applicant to utilize indoor play area space within the facility, subject to compliance with all applicable building codes and regulations.

## **2. Site Plan Approval:**

- The Applicant shall obtain site plan approval from the City to address:
  - The increase of impervious surface area due to additional parking spaces.
  - The reduction of drainage retention area.
  - Screening, buffering, and sanitation requirements as determined by the City.

## **3. Building Permits and Certificate of Occupancy:**

- The Applicant shall apply for and obtain all necessary building permits from the City for the interior renovation of the building to meet all applicable building codes.
- The Applicant shall apply for and obtain all necessary site permits for the installation of additional parking.
- The Applicant shall obtain a Certificate of Occupancy for the childcare facility within two (2) years of the approval of this Agreement.

#### **4. Special Exception Approval:**

- The approval of the Special Exception granted through this Agreement shall remain with the Property in perpetuity, regardless of changes in ownership.

#### **5. Hours of Operation:**

- The childcare facility shall operate between the hours of 6:00 AM and 6:00 PM, Monday through Friday.
- This Agreement does not limit the hours of operation for facility or site maintenance activities.

#### **6. Opaque Fence and Dumpster:**

- The Applicant shall install an opaque fence along the western boundary of the Property, subject to the requirements and specifications outlined in the approved site plan.
- The Applicant shall screen the dumpster from public view to mitigate noise, odor, and visual impacts.
- Trash pick-up shall occur during the earliest pick-up time designated by the City for commercial uses within residential areas, currently limited to 7:00 AM, Monday through Friday.

#### **7. Additional Condition (Optional):**

- The parties acknowledge the existence of the single-family residential dwelling located at Marion County Parcel Identification Number 2195-004-000 ("Adjacent Property") to the north of the Property.
- **[Optional]** If a single-family dwelling is constructed on the Adjacent Property in the future, the Applicant agrees to construct an opaque fence along the northern boundary of the Property upon written request from the City.

#### **8. Entire Agreement:**

- This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements, representations, and understandings, whether written or oral.

#### **9. Binding Effect:**

- This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

**10. Governing Law:**

- This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

**11. Severability:**

- If any provision of this Agreement is held to be invalid or unenforceable, such provision shall be struck and the remaining provisions shall remain in full force and effect.

**12. Counterparts:**

- This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

**City of Ocala, Florida**

By: \_\_\_\_\_ [Name and Title]

**G&G**

By: \_\_\_\_\_ [Name and Title]

**FSPA**

By: \_\_\_\_\_ [Name and Title]



# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

---

**File #:** 2024-0932

**Agenda Item #:** b.

---

Ashcroft Properties / SE24-45543

Petitioner: Ashcroft Properties

Agent: Miles Anderson Consulting Engineers

Planner: Emily Johnson 352-629-8313

[ewjohnson@ocalafl.gov](mailto:ewjohnson@ocalafl.gov)

A request to allow multi-family dwellings in B-4, General Business zoning district, for property located at 3415 W Anthony Rd (Parcel 25226-008-02); approximately 7.14 acres.

*Recommended Action: Approval with conditions.*



## Staff Report

SE24-45543

Board of Adjustment: March 18, 2024

**Petitioner:** Ashcroft Properties Inc.

**Property Owner:** Ashcroft Properties, Inc. and Avalon Condominium Units Association, Inc.

**Agent:** Miles Christian Anderson, Miles Anderson Consulting Engineers

**Project Planner:** Emily W. Johnson, AICP

**Applicant Request:** Special Exception to allow multi-family dwellings in the B-4, General Business zoning district.

### Parcel Information

Acres: ±7.14 acres

Parcel(s) #: 25226-008-02

Location: 3415 West Anthony Road

Future Land Use: Low Intensity

Zoning District: B-4, General Business

Existing Use: Partially developed Avalon condominium community

### Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Low Intensity	B-4, General Business	Multi-tenant inline commercial building and self-service station / convenience store
West	Low Intensity	B-4, General Business	Multi-tenant inline shopping center
South	Low Intensity	B-4, General Business	Vacant and undeveloped commercial
East	Neighborhood	R-3, Multi-Family Residential	Single-family residence; vacant and undeveloped residential

### Background:

The subject property, identified by Parcel Identification Number 25226-008-02, contains an approximate 7.14 acres, and is generally located in the 3400 block of West Anthony Road, southeast of the intersection of West Anthony Road and NW 35<sup>th</sup> Street. The subject property is currently partially developed with the existing Avalon condominium community; which consists of 5 completed townhome buildings, Buildings 300, 400, 500, 600, and 700 (total of 24 units).

The petitioner has previously received two special exceptions on the subject property:

- A Special Exception (SE04-0004) for development of fifty (50) multifamily units in the B-4 zoning district was approved for the subject property on May 24, 2004, subject to the following conditions:
  1. The plan submitted for site plan approval must be substantially the same (access location, number of units, open space, layout, etc.) as the sketch plan considered at the May 17, 2004 BOA meeting.
  2. Not more than 50 residential units shall be developed.
  3. Condominium units shall be a minimum of 1,500 square feet of living area.
  4. The development and units shall be established as Condominium ownership.

Construction was required to commence within six months of Board approval and be completed within one year or the Special Exception would expire. Only 20 units and the pool recreation area were completed under the originally approval site plan (SPL04-0058).

- A re-approval of the prior Special Exception (SE19-0004) to facilitate completion of the partially constructed project was approved on July 15, 2019, with the following modifications to the originally approved plan:
  1. Reduction in the number of total units from 50 to 41, and reconfiguration of the remaining buildings.
  2. Reduction in the minimum unit size from 1,500 to 1,300 square feet of living area.

Site plan approval for the requested modifications was required to be obtained within two years or the Special Exception would expire. The modified site plan (SPLM19-0008) was approved on December 26, 2019 for the construction of Buildings 300, 100A, 100B, 200A, and 200B; however, construction was only completed on Building 300, and approval of the Special Exception and Site Plan has since expired.

Currently, the petitioner is requesting a re-approval of the Special Exception in order to facilitate completion of the final phase of the development. The petitioner has submitted a revised concept plan which proposes to consolidate the footprints of Buildings 100A, 100B, 200A and 200B into two buildings with a maximum of 10 units each (a maximum of 20 units) in approximately the same respective locations as approved by SPLM19-0008. Development would not exceed the originally approved maximum of 50 residential units on the subject property; the petitioner is requesting to maintain the minimum unit size of 1,300 square feet as previously approved under SE19-0004.

### **Staff Analysis**

Approval of the Special Exception with conditions is recommended to allow for completion of the partially developed condominium community. Pursuant to Ocala Code of Ordinances Section 122-724(1)(b), multifamily dwellings are permitted at a maximum of 30 dwelling units per acre with a special exception in the B-4, General Business zoning district, and subject to the architectural review requirements under Section 122-216(t).



The proposed development does not exceed the allowances made under previously approved Special Exceptions SE04-0004 and SE19-0004, and meets the standards for approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5).

**Special Exception Standards for Approval (Section 122-73(5)):**

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- A. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

*Ingress/egress is provided via an existing access drive which is privately owned and maintained by the Avalon Condominium Association, and connects to West Anthony Road. The concept plan indicates an additional 24-foot-wide emergency-only egress to West Anthony Road between Buildings 600 and 700; consistency with the secondary access requirement under Ocala Code of Ordinances Section 122-216(k)(5) for residential developments containing more than 16 units will be determined during the site plan review process.*

- B. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare, or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

*Parking for the condominium units is provided via individual driveways. Ocala Code of Ordinances Section 122-1010(a)(2) requires 1.5 parking spaces per multi-family dwelling; parking requirements will be addressed as part of the site plan process.*

- C. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

*Refuse service is currently available to the development via an existing dumpster on-site, shown on the concept plan, and will continue to be provided. No changes to the refuse service area are anticipated as part of this request.*

- D. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

*Utility services are currently available to the development, and will continue to be provided.*

- E. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

*The subject B-4, General Business, zoned property is currently partially-developed with a multi-family residential use, and is adjacent to B-4 zoned properties to the south and north, and an R-3, Multi-family Residential, zoned property to the east. The site does not abut any*

*less intensive uses or districts, and therefore does not necessitate additional buffering beyond the minimum required 4-foot-wide perimeter buffer required by Ocala Code of Ordinances Section 122-260(c)(1).*

- F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

*All signage must comply with Chapter 110, Ocala Code of Ordinances. Additional signage is not anticipated as part of this request.*

- G. Required yards and open spaces.

*Pursuant to Ocala Code of Ordinances Section 122-286, multi-family residential dwelling units in the B-4, General Business, zoning district are required to maintain a 25-foot front yard, 8-foot interior side yard, and a 25-foot interior rear yard. The proposed buildings will be located in the same respective locations as previously approved by SPLM19-0008; the concept plan indicates that a 25-foot-wide building setback will be maintained around the perimeter of the entire site.*

- H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

*Pursuant to Ocala Code of Ordinances Section 122-286, the maximum allowable height in the B-4, General Business, zoning district is 60-feet. Design features of the proposed Buildings 100 and 200 shall be largely consistent with the façades of existing buildings within the Avalon condominium community, which are a mix of one-story and two-story units.*

- I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

*The additional housing will create greater interaction between neighboring uses, thereby providing positive economic effects for properties within the district.*

- J. Visual, physical, and economic impact of the proposed project or use on a historically designated property and district.

*This site is not located within a designated historic district.*

**Recommended Conditions of Approval:**

1. This Special Exception shall remain with the Property in perpetuity, regardless of changes in ownership.
2. No more than 50 dwelling units shall be developed on the subject property.
3. Condominium units shall contain a minimum of 1,300 square feet of living area.
4. Architectural renderings shall be submitted for Buildings 100 and 200 for review with the site plan application, design features shall be largely consistent with the façades of existing buildings within the Avalon condominium community.
5. Site Plan approval for Buildings 100 and 200 shall be issued within 18 months of the date of approval by the Board of Adjustment or this Special Exception shall expire.

**Staff Recommendation: Approval with Conditions**

CASE MAP

BOA: March 18, 2024

Case Number:

SE24-45543

Parcel:

25226-008-02

Property Size:

Approximately 7.14 acres

Land Use Designation:

Low Intensity

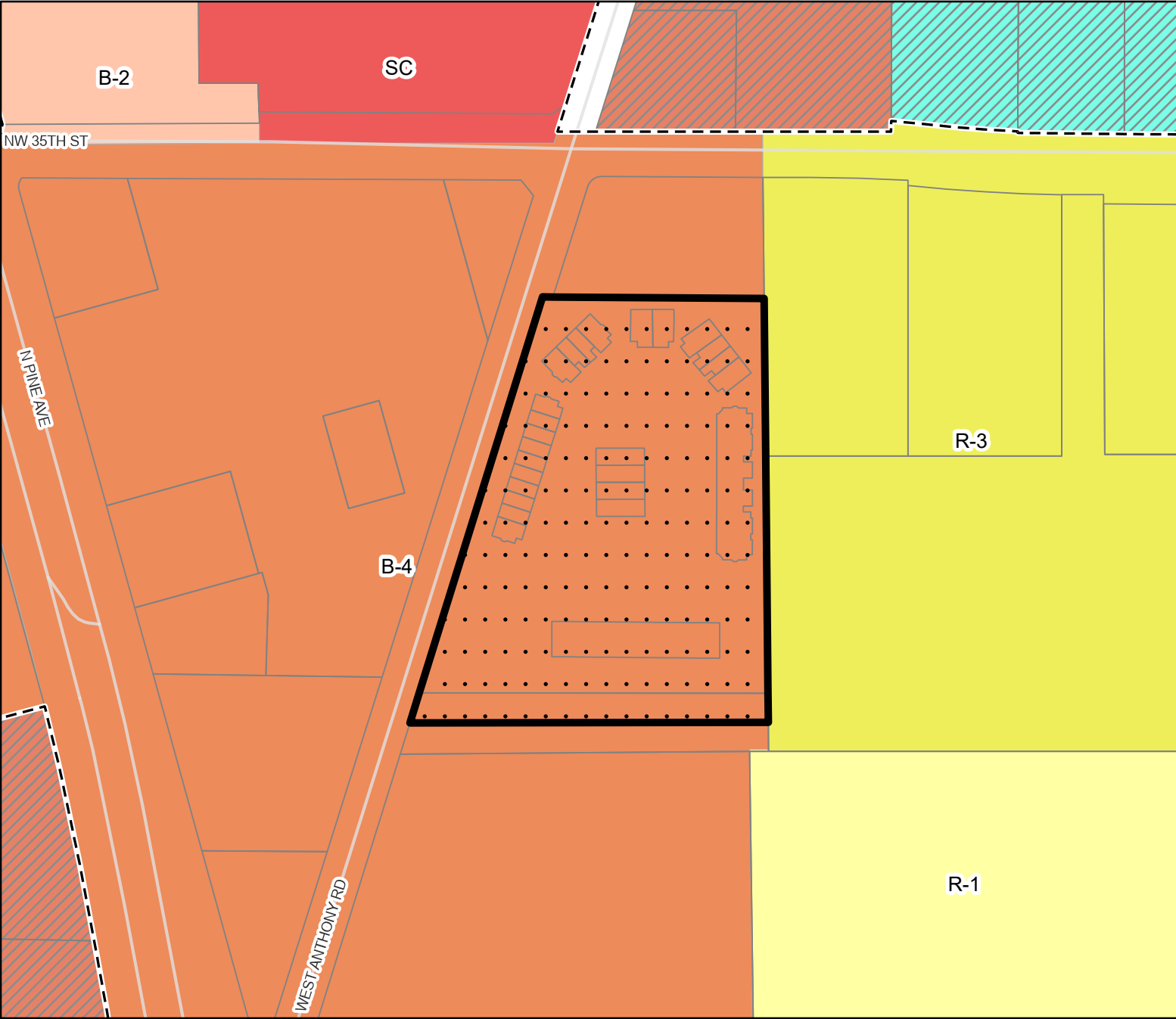
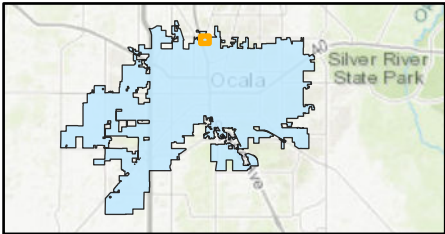
Zoning:

B-4

Proposal:

A request to allow Multi-Family Residential in B-4, General Business zoning district.

Location Map



Subject Property

Parcels

B-2:Community Business

B-4:General Business

R-1:Single Family Residential

R-3:Multi-Family Residential

SC:Shopping Center

B-4, Regional Business (county)

R-3, Multiple Family Dwelling (county)

0

390 Feet



AERIAL MAP

BOA: March 18, 2024

Case Number: SE24-45543

Parcel: 25226-008-02

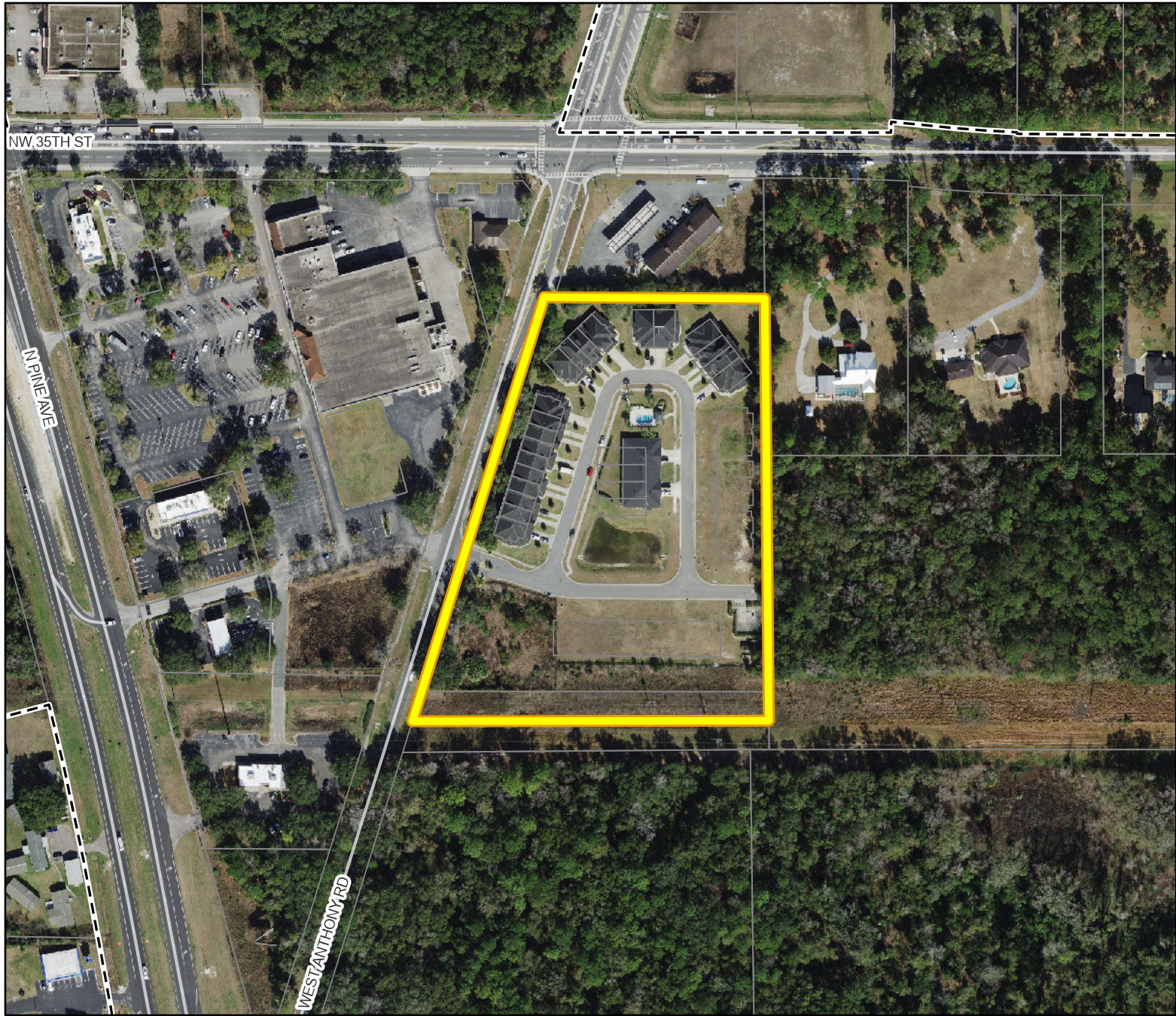
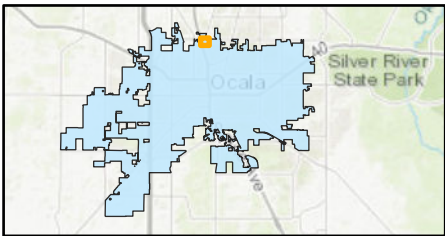
Property Size: Approximately 8.39 acres

Land Use Designation: Low Intensity

Zoning: B-4

Proposal: A request to allow Multi-Family Residential in B-4, General Business zoning district.

Location Map



-  Subject Property
-  Parcels

0 390 Feet





CONTRACTOR SHALL REMOVE  
EXISTING 12' WIDE GATE AND  
INSTALL 24' WIDE GATE. ALL  
SHRUBS AND TREES WITHIN THE  
24' WIDE EMERGENCY ACCESS  
SHALL BE TRIMMED OR REMOVED  
BETWEEN BUILDINGS 600 AND 700.

7.00' RIGHT OF  
WAY (BY DEED)

BOUNDARY LINE

25' SET BACK

PROPOSED 24' WIDE

**EMERGENCY EXPRESS**

PROPOSED DRA 2A  
AREA=33.354 SF  
TOP=58.00'  
BOTTOM=50.00'  
SIDE SLOPE=3:1

PORTION OF D.R.A. TO THE SOUTH OF PROPERTY LINE SHALL BE IN PROGRESS  
ENERGY (FKA FLORIDA POWER) POWER EASEMENT. A DRAINAGE EASEMENT SHALL BE OBTAINED.

FILL AREA TO 55' ELEVATION TO CREATE  
AN INGRESS/EGRESS PATH FOR UTILITY VEHICLES

44° 58' E. - 380.78' (F)

EXISTING

3

zus. ö. x 59'-4"  
1-10 und 19

-TRANSFORMER  
F4950:

FOR TEMP POWER MAY NEED TO  
BE UPGRADE TX WHEN THE  
CITY RECEIVES THE LOAD DATA  
SHEET FOR NEW BUILDING.

— TRASH/DUMPSTER

— 25' SET BACK

—— BOUNDARY LINE

-For Print -  
280.0 x 63.4"  
10 units

**SET BACKS:**

FRONT- 25'+7 RIGHT OF WAY DEED  
SIDES- 25'  
REAR- 25'

RISER ROOM NOTE:

RISER ROOM TO BE CONNECTED TO POOL HOUSE  
PANEL

PRE-CONSTRUCTION NOTE:

NO SITE WORK SHALL BE CONDUCTED PRIOR TO OBTAINING A SITE PERMIT FROM THE CITY. CALL THE CITY GROWTH MANAGEMENT DEPARTMENT @ 352-629-8421 TO SCHEDULE THE PRE-CONSTRUCTION MEETING WHICH MUST BE HELD BEFORE INSTALLING ANY REQUIRED EROSION CONTROLS OR OBTAINING ANY SITE PERMITS. LDR 102-312, 122-217 (3) (CC), 118-53 (g).

2004 (SP05-003)  
PERMITTED DRIVEWAYS AND BUILDING 100 DESIGN:  
24.107.82 SE

NEW DRIVEWAYS AND BUILDING 100A AND 100B  
DESIGN: 20,900.28 SF  
DIFFERENCE FROM PERMITTED = 3,207.54 SQ. FT.  
SMALLER

2004 (SP05-003)  
PERMITTED DRIVEWAYS  
AND BUILDING 200  
DESIGN: 20,992.92 SF

NEW DRIVEWAYS AND  
BUILDING 200A AND  
200B DESIGN:  
18,646.73 SF  
DIFFERENCE FROM  
PERMITTED = 2,346.19  
SQ. FT. SMALLER

ENGINEER'S CERTIFICATE  
I HEREBY CERTIFY THAT THE  
ACCORDANCE WITH THE  
DEVELOPMENT AND  
PROTECTED FROM  
DEVELOPMENT;  
AND THAT THE  
S.W.F.W.D.

MILES C ANDERSON  
 FLORIDA PROFESSIONAL  
 CA # 000088-2  
 THIS ITEM HAS BEEN  
 ANDERSON, PE ON  
 PRINTED COPIES OF  
 AND SEALED AND TWO  
 ELECTRONIC COPIES.



July 16, 2019

Ms. Lisa M. Ashcroft  
Ashcroft Properties, Inc.  
9491 SW 14<sup>th</sup> Avenue  
Ocala, FL 34476

RE: Board of Adjustment Case SE19-0004

Dear Ms. Ashcroft:

This letter is to confirm that on July 15, 2019, the Ocala Board of Adjustment approved your request for a special exception to allow a multi-family dwelling in the B-4, General Business, zoning district for property located at 3415 West Anthony Road. The exception was granted based on the findings of facts presented by the City of Ocala Growth Management Department and is subject to the following condition:

1. Approval for the changes to the site plan shall be obtained within two years from approval of the Special Exception or the Special Exception shall expire. Construction shall commence prior to the expiration of site plan approval or the Special Exception shall expire for any buildings that have not received first inspection.

Should you have any questions, please feel free to contact me.

Sincerely,

Patricia Z. Hitchcock, AICP  
Planning & Zoning Manager



**Applicant:** Ashcroft Properties, Inc.  
**Property Owner:** Ashcroft Properties, Inc. and Avalon Condominium Units Association, Inc.  
**Agent:** Lisa M. Ashcroft  
**Project Planner:** Patricia Z. Hitchcock, AICP  
**Request:** Special Exception to allow multifamily dwellings in the B-4, General Business zone.

**Parcel Information**

**Location:** 3415 West Anthony Road  
**Acres:** 7.14 acres  
**Parcel#:** 25226-008-02  
**Land Use:** Low Intensity  
**Zoning:** B-4, General Business  
**Existing use:** Partially developed Avalon condominium community

**Adjacent Land**

<u>Direction</u>	<u>Future Land Use</u>	<u>Zone</u>	<u>Current Use</u>
North	Low Intensity	B-4	Gas station/convenience store
East	Neighborhood	R-3	Single family residential
South	Low Intensity	B-4	Undeveloped, power line easement
West	Low Intensity	B-4	Shopping center

<b>Staff Recommendation:</b> <b>Approval of SE19-0004 with condition</b>
--

**Basis:**

Approval of the special exception with condition is recommended to allow completion of the partially developed community. The development meets the standards for approval of a special exception pursuant to Ocala Code of Ordinances Section 122-73(5).

**Background:**

A Special Exception (SE04-0004) for development of fifty (50) multifamily units in the B-4 zoning district was approved for the subject property in May 24, 2004. The approval was subject to:

1. The plan submitted for site plan approval must be substantially the same (access location, number of units, open space, layout, etc.) as the sketch plan considered at the May 17, 2004 BOA meeting.
2. Not more than 50 residential units shall be developed.
3. Condominium units shall be a minimum 1,500 square feet of living area.
4. The development and units shall be established as Condominium ownership.

Construction was required to commence within six months of board approval and be completed within one year or the Special Exception would expire. Only 20 units and the pool recreation area



were completed. The roads and other infrastructure to support construction of the remaining 30 units exist.

**Current Request:** The request before the board is for approval of a Special Exception to allow construction of multifamily units in the B-4 zone. Essentially, this is a re-approval to allow completion of a partially constructed residential project. The applicant proposes modifications to the originally approved plan:

1. Reduction in the number of total units from 50 to 41. The reduction occurs because:
  - a. The two story building next to the pool area will be reduced to one story with four units rather than eight units.
  - b. The long building that contained ten units will be broken into two smaller buildings each with only four units.
  - c. The long building that contained twelve units will be broken into two smaller buildings, one with four units and one with five units.
2. Allow the condominium units to be a minimum 1,300 square feet of living area.

The changes in the site plan will not exceed the original building foot print and may be approved through the minor site plan review process.

**Ocala Code of Ordinance information:**

Special exception<sup>1</sup> definition: a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare.

Special Exception Standards for Approval (Section 122-73(5))<sup>2</sup>:

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- a. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.  
*Ingress/egress to the property will be as existing from NW Anthony Road.*
- b. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.  
*Ingress/egress to the property will be as existing from NW Anthony Road.*
- c. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.  
*A dumpster pad is existing.*

- d. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.  
*Water and sewer service is existing*
- e. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.  
*Required buffering on the eastern and southern property boundary will be addressed at the time of minor site plan review and approval.*
- f. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.  
*No additional signage is proposed.*
- g. Required yards and open spaces.  
*Development of the property will be required to comply with all required yards and open spaces as part of minor site plan approval.*
- h. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.  
*The proposed one story buildings are consistent and compatible with the existing buildings in the development and compatible with the surrounding area.*
- i. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.  
*Completion of the project will not have a negative impact on the Avalon community and surrounding area.*
- j. Visual, physical and economic impact of the proposed project or use on a historically designated property and district. *N/A*

**Recommended Conditions of Approval:**

- 1. Approval for the changes to the site plan shall be obtained within two years from approval of the Special Exception or the Special Exception shall expire.

---

1 Ocala Code of Ordinances, Sec. 122-72. Special exception definition

2 Ocala Code of Ordinances, Sec. 122-73, Procedure and standards for special exception approval.





# AVALON DEVELOPMENT

OCALA FLORIDA

## MINOR SITE PLAN

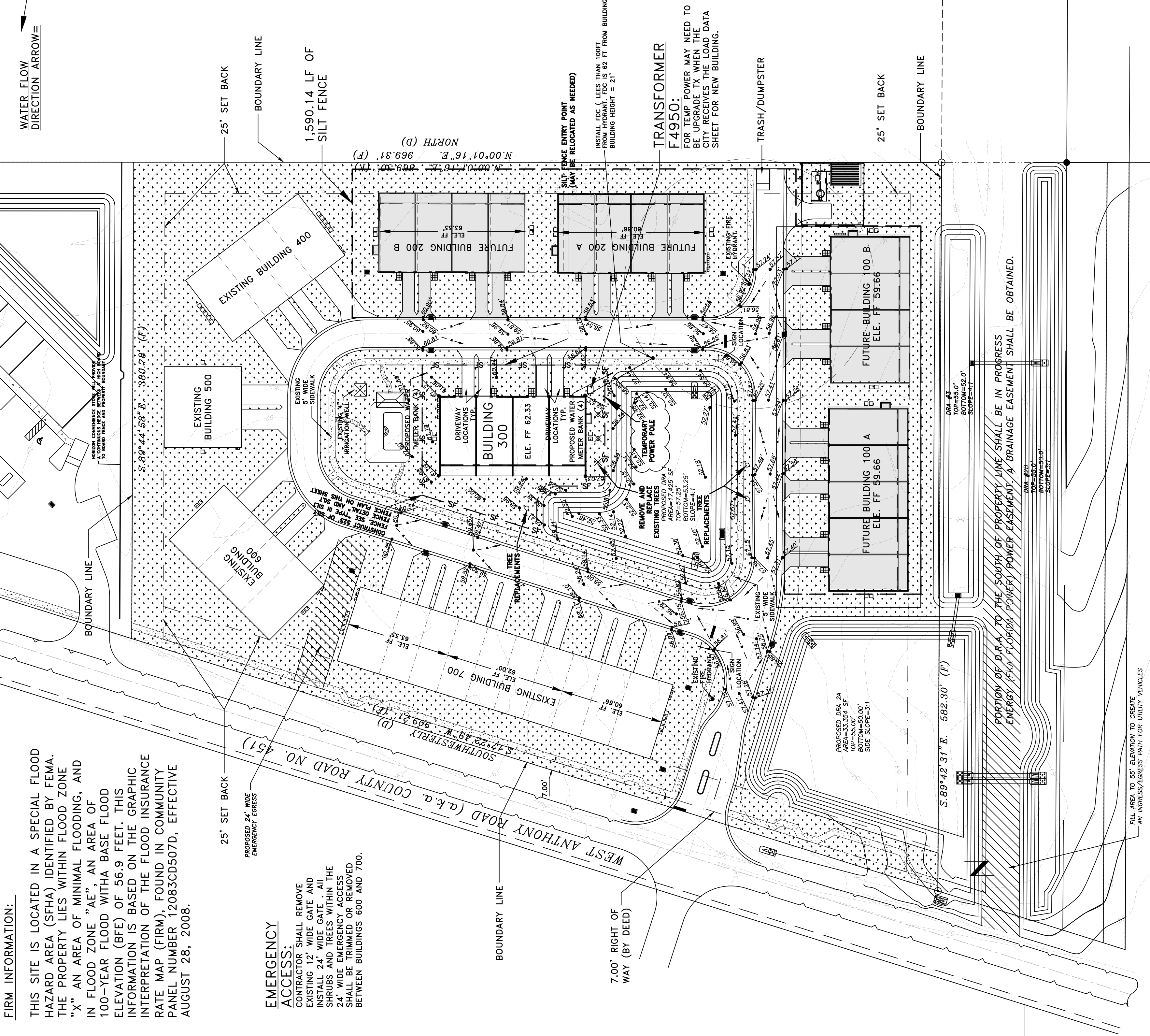
FOR BUILDINGS #100A, 100B, 200A AND 200B

### FIRM INFORMATION:

THIS SITE IS LOCATED IN A SPECIAL FLOOD HAZARD AREA (SFHA) IDENTIFIED BY FEMA. THE PROPERTY LIES WITHIN FLOOD ZONE "X" AN AREA OF MINIMAL FLOODING, AND IN FLOOD ZONE "AE", AN AREA OF 100-YEAR FLOOD WITHA BASE FLOOD ELEVATION (BFE) OF 56.9 FEET. THIS INFORMATION IS BASED ON THE GRAPHIC INTERPRETATION OF THE FLOOD INSURANCE RATE MAP (FIRM), FOUND IN COMMUNITY PANEL NUMBER 12083CD507D, EFFECTIVE AUGUST 28, 2008.

### EMERGENCY ACCESS:

CONTRACTOR SHALL REMOVE EXISTING 12' WIDE GATE AND INSTALL 24' WIDE GATE. ALL SHRUBS AND TREES WITHIN THE 24' WIDE GATE OR ADJACENT SHALL BE TRIMMED OR REMOVED BETWEEN BUILDINGS 600 AND 700.

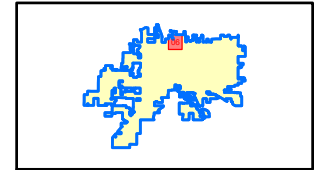


# SPECIAL EXCEPTION CASE MAP

BOA MEETING: 7/15/2019

**CASE NUMBER:** SE19-0004  
**PARCEL NUMBER:** 25226-008-02  
**PROPERTY SIZE:** APPROX. 7.14 ACRES  
**EXISTING LANDUSE:** LOW INTENSITY  
**PROPOSED:** REQUEST FOR A SPECIAL EXCEPTION TO ALLOW MULTI-FAMILY IN A B-4, GENERAL BUSINESS ZONE

## LOCATION MAP

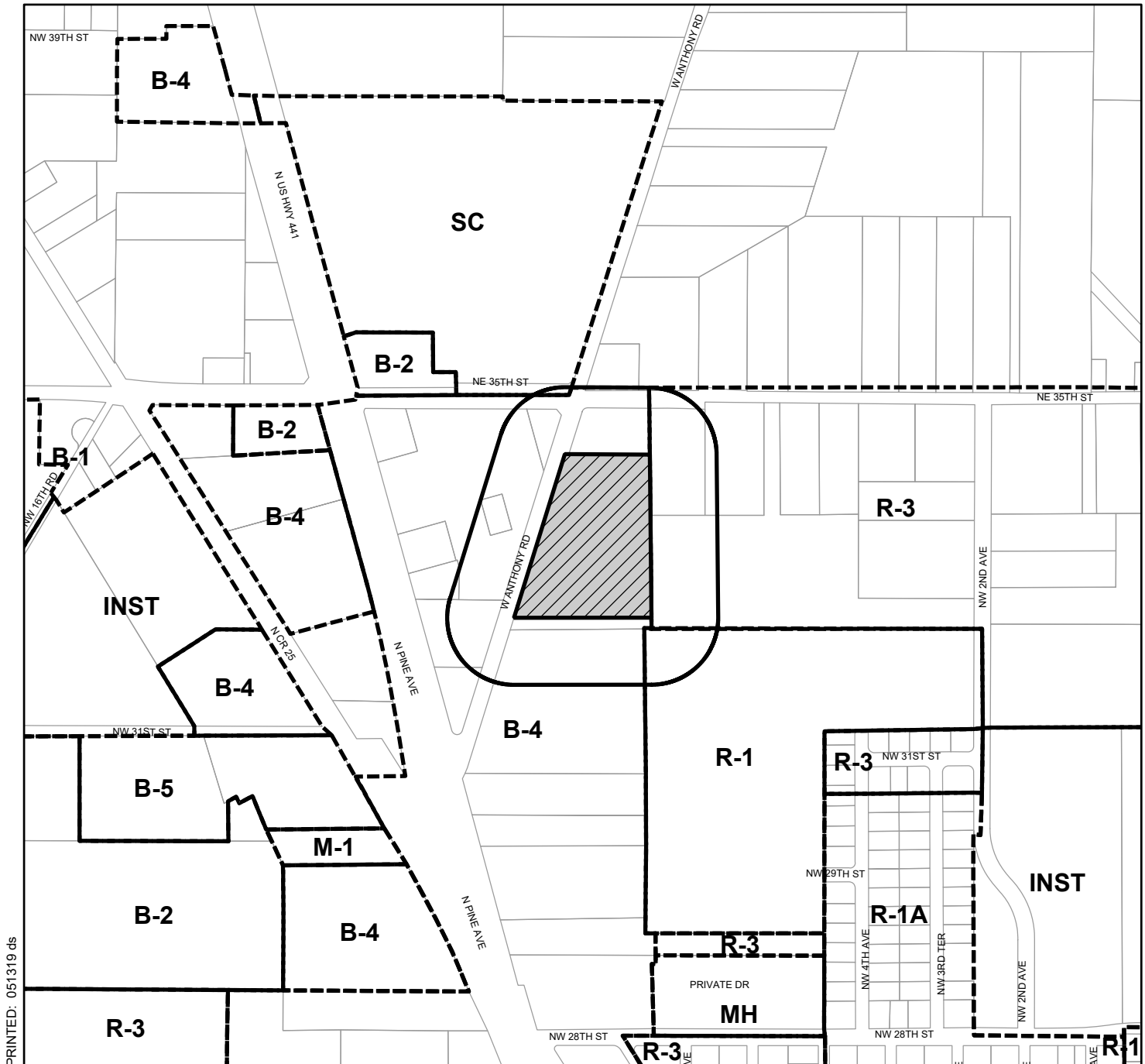


SEC 6 TWP 15 RNG 22



500

Feet



## ZONING MAP

### Legend

- Special Exception Project
- 300' Buffer
- Zoning District
- Parcels

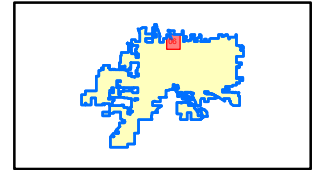


# SPECIAL EXCEPTION CASE MAP

BOA MEETING: 7/15/2019

**CASE NUMBER:** SE19-0004  
**PARCEL NUMBER:** 25226-008-02  
**PROPERTY SIZE:** APPROX. 7.14 ACRES  
**EXISTING LANDUSE:** LOW INTENSITY  
**PROPOSED:** REQUEST FOR A SPECIAL EXCEPTION TO ALLOW  
MULTI-FAMILY IN A B-4, GENERAL BUSINESS ZONE

## LOCATION MAP



SEC 6 TWP 15 RNG 22

500

Feet



Florida Department of Transportation

PRINTED: 051319 ds



**OCALA BOARD OF ADJUSTMENT MINUTES**  
**MAY 24, 2004**  
**5:30 P. M.**

**Public Notice**

Public notice for this meeting was posted May 17, 2004, at 151 SE Osceola Avenue, Ocala City Hall, Ocala, Florida, 34471.

**Meeting Statistics:**

A regularly scheduled meeting of the Ocala Board of Adjustment was held on Monday, May 24, 2004, in the Council Chambers, Ocala City Hall. The meeting was formally opened with the Pledge of Allegiance led by Chairman Trow.

**Attendance:**

The following board members were present:

Chester Trow, Chairman  
Irene Hancher  
Leah Taylor, Vice-Chairman  
Joyce Johnson  
Richard Williamson – arrived at 6:00 PM (excused)  
Charles Ruse

Chief, Zoning/Code Enforcement Nancy K. Overstreet, Planner Dave Herlihy, Zoning Analyst Estelle Lens and others interested in the items for presentation attended the meeting.

**Consideration of Minutes:**

Chairman Trow called for consideration of the minutes for March 15, 2004. Ms. Hancher made a motion to approve the minutes as recorded. The motion was seconded by Ms. Johnson and approved unanimously.

**Consideration of Cases:**

Chairman Trow stated that he wished to change the order of items on the agenda. He explained that SE04-0006 was uncontested and would be brief, and therefore they would hear this request first.

**Approved/ Case SE04-0006**

Applicant: Marion Community Hospital, dba Ocala Regional Medical Center  
Sue Amsden, Agent

Request a **special exception** to allow installation of illuminated wall letters totaling 96 square feet, for property located at 1431 SW 1<sup>st</sup> Avenue, approximately 9.11 acres.

Dave Herlihy presented staff comments:

**ZONING BOARD OF ADJUSTMENT  
PLANNING DEPARTMENT COMMENTS**

**CASE SE04-0006**

**(EXHIBIT A)**

**APPLICANT:** Ocala Regional Medical Center / Sue Amsden, Agent

**REQUEST:** Special Exception for Hospital Signage

**PARCEL INFORMATION**

Location: 1431 SW 1<sup>st</sup> Avenue  
Acres: 9.11  
Parcel(s)#: 28609-000-00  
Land Use: Public Buildings & Facilities (PB&F)  
Zoning: INST, Institutional  
Existing Use: hospital

**ADJACENT LAND**

<u>Direction</u>	<u>FLU</u>	<u>Zone</u>	<u>Current Use</u>
North	Professional Services	O-1	Offices
East	Professional Services	O-1	Offices
South	PB&F, Professional Services	INST, O-1	Church, Office
West	PB&F	INST	Hospital (Munroe Regional)

**SITE/AREA DESCRIPTION**

The subject 9± acre site lies between, and has frontage on both, SW 1<sup>st</sup> Avenue and Magnolia Avenue extension. Uses in the surrounding area are predominantly health care related offices. Two exceptions to the office use pattern are Blessed Trinity Church (south/southeast) and Marion Stone and Gravel (east/northeast).

**CODE REQUIREMENTS**

Signage for hospitals in the INST (Institutional) zoning district must be approved by the Board of Adjustment as a Special Exception. In making its determination, the board shall consider the size and location of signage and its relation to adjoining and abutting land use classifications and zoning districts (Sec. 110-156(b)). Approved signage is subject to the following conditions:

- (1) Total signage area shall not exceed two square feet for each property front foot.



- (2) Permitted types of signs. The maximum total sign area shall be allowed as follows:
  - a. A maximum of two freestanding sign structures for each frontage, totaling up to 50 percent of total business sign area, with no more than 150 square feet of sign area per structure.
  - b. Either one roof sign or one projecting sign of no more than 25 percent of total business sign area.
  - c. Wall signs.
- (3) Height, setbacks and spacing. Setbacks and maximum height for freestanding signs for hospital uses are as follows:
  - a. The maximum height shall be 30 feet.
  - b. Freestanding signs shall be set back a minimum of five feet from the public right-of-way.
  - c. Freestanding signs shall be set back a minimum of 25 feet from side lot lines or equidistant between side lot lines.
  - d. Freestanding sign structures on the same ownership parcel shall be a minimum of 150 feet apart.

Directional or instructional signs of four square feet or less, containing business identification only, where vehicle or pedestrian movements are involved are exempt from permit, area and location requirements (Sec. 110-6(3)).

## **PLANNING CONSIDERATIONS**

The submitted materials comply substantially with City Code submittal requirements and they are sufficient for staff to make a recommendation on the request. The proposed illuminated wall sign will be affixed to the fourth floor of the hospital's southwest face. It measures approximately 50 feet long by 2 feet high and its total area is 96 square feet. No wattage is specified however the neon internal illumination is anticipated to be entirely compatible with surrounding uses given its approximate height of 45 to 50 feet above ground level and its separation distance of at least 300 feet from adjacent uses to the southwest.

The hospital currently has no existing wall signs. This site's total sign area limit, as calculated using Section 110-156(b)(1), equals 1,514 square feet. The proposed addition of a wall sign with a face area of 96 square feet is well within the limit.

## **STAFF RECOMMENDATION**

**APPROVAL** of Case # SE04-0006

Factual Support Documentation

1. The addition of the proposed wall sign is within the requirements of the City's land development regulations Section 110-156(b) and does not exceed the site's limits on sign type, area, quantity, location or separation.
2. This request is compatible with uses allowed by the future land use designations and zoning districts of the surrounding area.

### **Conditions**

1. This Special Exception is for one wall sign (comprised of 26 letters each being approximately 24 inches high) with an estimated total area of 104 square feet.
2. A sign permit must be obtained from the City's Building department prior to sign installation.

### **Discussion:**

Chairman Trow asked what aspects of the sign required a special exception. Ms. Overstreet stated that a special exception was required for all hospital signage. He then confirmed that the proposed sign would not face any residences.

Chairman Trow asked for public comment. No one came forward.

Chairman Trow asked if the applicant wished to make any further presentation. The applicant denied.

Ms. Hancher moved to approve SE04-0006 based on the findings of facts of staff. Mr. Ruse seconded the motion and without further discussion, the motion carried unanimously upon roll call vote.

### **Approved / Case SE04-0004**

Applicant: Ashcroft Properties, Inc., Lisa Ashcroft

Request a **special exception** to allow Multi-Family Dwelling in a B-4, General Business, one, located in the 3200 to 3400 blocks of West Anthony Road, approximately 8.91 acres.

Dave Herlihy presented staff comments:

### **ZONING BOARD OF ADJUSTMENT PLANNING DEPARTMENT COMMENTS**

### **CASE SE04-0004 (EXHIBIT A)**

**APPLICANT:** Ashcroft Properties, Inc., Petitioner;

**REQUEST:** To allow multi-family development compatible with surrounding

uses.

50 units (7 DU/acre) are proposed

### **PARCEL INFORMATION**

Location: West Anthony Road (3400 block)  
Acres: 7.14±  
Parcel(s)#: 25226-008-00  
Land Use: Retail Services (RS)  
Zoning: General Business (B-4)  
Existing Use: undeveloped

### **ADJACENT LAND**

<u>Direction</u>	<u>FLU</u>	<u>Zone</u>	<u>Current Use</u>
North	Retail Services	B-4	Undeveloped
East	High Density Residential	R-3	Single-family residences
(large lot)			
South	Retail Services	B-4	Undeveloped, power line easement
West	Wholesale & Other Business	B-4	Shopping center (WinnDixie)

### **SITE/AREA DESCRIPTION**

This site is the southern portion of parcel #25226-008-00 (8.91 acres). It lies on the east side of, and takes its access from, West Anthony Road. The northern portion of the site is relatively flat with an elevation of 62 feet. The topography slopes downhill, from about the midpoint, toward the south dropping approximately 10 feet to elevations in the low 50s. Trees, palmettos, shrubs and brush cover the site.

Existing uses in the immediate surrounding area are commerce/service type uses, situated to the west, and single-family homes on lots greater than one acre are located to the east.

The transportation network in the area consists of: West Anthony Road (a paved 2-lane collector); NW 35<sup>th</sup> Street (a paved 2-lane; and US 441/301 (a 4-lane divided arterial roadway). All currently function at acceptable levels of service.

### **BACKGROUND**

This site lies in the 441 Commercial Corridor Activity Center as identified on the comprehensive plan's Future Land Use Element (FLUE) map #7. FLUE policy 2.3 indicates that the Future Land Use Map (FLUM) shall provide for more intense growth in activity centers. Since adoption of the City's 1985 comprehensive plan FLUM, the property has been designated for business/commercial land use and has held an appropriate implementing zoning.

### **CODE REQUIREMENTS**

The City of Ocala Code of Ordinances states that requests for special exception uses shall be in harmony with the purpose, intent and requirements of Chapter 122, and be compatible with the basic character of the neighborhood or area.

The Code defines a special exception as a use that would not be appropriate generally or without restriction throughout a zoning division or district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare.

Chapter 122, Article II Administration, Division 3 Special Exceptions, Section 122-73 **Procedure and standards for approval** establishes that the Board of Adjustment (BOA) shall not grant a special exception unless and until five specific procedures are completed. Of chief importance among these five procedures is 122-73(5). Subsection (5) indicates that the BOA shall consider and weigh factors and standards, and show in its record the disposition thereof, and that the applicant has met the ten core requirements of Section 122-73(5), a. thru j. which are to be shown on a site plan/sketch, and/or in the narrative of an application for a special exception.

The Planning Considerations section of this report assesses the general appropriateness of the request and addresses the sufficiency of application items a. thru j. The section also comments on any prominent issues or problems.

## **PLANNING CONSIDERATIONS**

The City of Ocala Code of Ordinances Ch. 122, Art. V, Div. 23, Sec. 122-722(d) *Special exceptions*. identifies “*Multifamily development compatible with surrounding uses*” as a use permitted by Special Exception in the General Business (B-4) district.

This request is valid, as the site has a comprehensive plan Future Land Use designation of Retail Services and a General Business (B-4) zoning district that is consistent with implementing the land use designation. These facts serve as a basic consideration of the City’s comprehensive plan goals, objectives and policies.

The definition of “special exception” establishes that the requested use is not appropriate generally or without restriction. The code specifies that the use must be controlled as to number, location or relation to the neighborhood so as to promote the general welfare, and it is noted that the BOA shall not grant a special exception unless and until the procedures and standards for approval are complete. The BOA shall consider and weigh factors and standards, and show in its record the disposition thereof, and that the applicant has met the requirements of Section 122-73(5), a. thru j.

With the above stated fact base, the focus of the remainder of this analysis is the content and completeness of the application materials as evaluated against the City code’s submission requirements (see Code Requirements section above), and definitions.<sup>i</sup>

Staff evaluation of the submitted application materials reveals that with respect to 122-

73(5) a. thru j. all items have been addressed. Staff, however, finds one notable problem regarding refuse and service area location.

The following responses are considered to be sufficient. Each of the issues listed below has been addressed on the submitted Site Sketch (see right middle of front page Special Exception Notes – Item #5).

- Ingress and egress to the site, traffic flow & control, and access in case of fire or catastrophe
- Off-street parking and loading areas
- Utilities hook in location, availability and compatibility for the proposed use
- Screening and buffering by type, dimension and character
- Screening and buffering intent to preserve and improve compatibility and harmony with adjacent uses
- Signage and exterior lighting
- Sign and light glare with respect to traffic safety and economic effect on compatibility and harmony with properties in the district
- Required yards and open spaces
- Height of proposed structures
- Proposed structures
- Economic, noise, glare, or odor effects of the off-street parking on adjacent and nearby properties
- The economic effect of the use on adjacent and nearby properties.

The following responses are considered to be insufficient.

- Refuse and service area location

The following are specific comments on the insufficient responses.

- Public Works has commented that the location of the dumpster pad conflicts with the location of the lift station and will add an increased amount of work to all divisions in the department. This problem must be resolved prior to site plan submittal.

## **STAFF RECOMMENDATION**

Based on findings of fact that the application information is consistent with the purpose, intent and requirements of the City of Ocala Code of Ordinances Sections 122-73 thru 74, Special exceptions, staff recommends **APPROVAL** of Case # SE04-0004.

## **Factual Support Documentation**

3. The application information is generally sufficient to find that recommending approval of the request would promote the health, safety, welfare, morals, order, comfort, convenience, prosperity or general welfare.

### **Conditions**

1. This development must make application to, and receive final site plan approval through, the City's development review process.
2. The plan submitted for site plan approval must be substantially the same (access location, number of units, open space, layout, etc.) as the sketch plan considered at the May 17, 2004 BOA meeting.
3. A drainage easement agreement, between Ashcroft Properties and Progress Energy Power shall be executed prior to submittal for site plan review.
4. The southern drainage area must be setback 35 feet from West Anthony Road to comply with the "yard" established by the back wall of the western tier of units.
5. No trees shall be removed prior to receipt of final site plan approval.
6. Buffering along the east and west property lines shall be provided and maintained, and shall make maximum use of existing trees.
7. Mechanical services (e.g. air conditioning units, etc.) shall be screened for at least the western tier of units which face West Anthony Road.
8. Not more than 50 residential units shall be developed.
9. The refuse and service area (dumpster) location issue must be resolved prior to site plan submittal.
10. An alternative design shall be developed for the parking requirement of 1.5 spaces per unit.
11. Item I. in the Special Exception Notes shall be revised to read Retail Services rather than Medium Density Residential.
12. Dwelling unit footprints shall not be platted into lots without a corresponding reduction of units (density) as the B-4 minimum lot with cannot be achieved.

### **Discussion:**

Mr. Herlihy requested the board members to strike "35 feet" from condition number four.

Mr. Ruse questioned staff's conditions. He confirmed that the applicant would have to go through the site plan process regardless of the Board of Adjustment hearing. Therefore, condition number one was not necessary. Mr. Ruse stated that staff's recommendation contained several conditions that would be required whether or not this request was before the board. He felt that the Board should not add conditions that would be required by staff anyway. He commented on item number 3 regarding a drainage easement. Mr. Herlihy explained that staff did not want to enter into the site plan process without having the easement secured. Mr. Trow asked if the site plan review committee would consider a site plan without the requested easement. Mr. Herlihy stated that the applicant might come up with a different proposal. Mr. Ruse stated that this was his point; he wanted to allow the developer some flexibility.

Discussion continued regarding the other conditions.

Chairman Trow questioned, and Mr. Herlihy confirmed, that the maximum density would be 12 units per acre if the property had R-3 zoning and Medium Density Residential land

use. Therefore the subject property could be developed with a potential of 84 units, almost twice the proposed density. The proposed density of 50 units was slightly above that allowed with a Low Density Residential land use, which allows five dwelling units per acre.

Mr. Ruse stated that B4 was a pretty intense business zone. Discussion followed regarding the permitted uses in the B-4 zone. Mr. Ruse then questioned why the applicant did not request a zoning change. Mr. Herlihy stated that if the zoning had been changed, the development would only have to go through site plan review and the surrounding property owners would not have been notified. With a special exception, staff could review a site sketch first. Ms. Overstreet added that property that is going through site plan review is posted, however it is not advertised, nor are notices sent out.

Mr. Ruse then questioned the number of trips that would be generated with the proposed development vs. the number of trips that would be generated by a strip mall type development. Mr. Herlihy stated that he did not have that information; however, the number of trips would depend on the use and would probably be a little less for a commercial development.

Paolo Mastroserio, 170 SE 32<sup>nd</sup> Place, Ocala, came forward and stated that he was a professional engineer with Miles Christian Anderson Consulting Engineers and he was representing the applicant. He stated that a traffic impact analysis had been completed. The allowable uses in the B-4 zone had a potential to generate 10,393 average trips on a Saturday. A residential development would generate 284 average trips.

Mr. Williamson arrived at 6:00 PM.

Mr. Mastroserio discussed some of the conditions requested by staff. He added that the units would not be rented, they would be owned. This project would be a condo development with deed restrictions. It would be a gated community with curb and gutter type roads. This would not be a low income development and would not be a detriment to the community.

Chairman Trow commented on the request to strike the 35 foot setback and questioned the relationship of this setback to the area that would be used for water retention. Mr. Mastoserio explained that the setback was a front yard setback which was required by site plan. Discussion followed regarding front yard setbacks.

Chairman Trow then questioned the platting prohibition. Mr. Herlihy explained that this type of use in a B-4 zone required a 100 foot lot width. The lots would not be conforming if the applicant wanted to plat.

Chairman Trow asked for public comment.

Richard Norton, 509 NW 35<sup>th</sup> Street, Ocala, came forward and stated that he was not really opposed to the proposed development; however he was concerned about how this

project would affect the value of the homes in the area. He was also concerned about the number and size of the units. Chairman Trow confirmed that the proposed development was for 50 units; each having 1500 to 1700 square feet of air conditioned space. Mr. Norton stated that the value of the homes in the area to the north and east of the subject property was \$350,000 and up. Therefore, he would like the project to be less dense with more square footage.

Patricia Acook, 520 NW 35<sup>th</sup> Street, Ocala, came forward and asked if the applicant could renege on some of the proposed design criteria; such as the size of the units and the statement that the development would be a gated community. Ms. Overstreet said that the board members were not approving the site plan; they were approving the concept of the site plan, including the stipulation of a maximum of 50 units. However, whether it was a gated community was not being stipulated by this board. Chairman Trow explained that the details would be approved by the site plan review committee. Ms. Overstreet explained the site plan review process. Mr. Trow summarized the issue before them: Should a property that is zoned for a business use be permitted to be used for a residential use.

Ms. Acook also asked if there would be improvements to the intersection of West Anthony Road and 35<sup>th</sup> Street. She commented on the congestion at this intersection. Chairman Trow explained that this would be part of the site plan approval process.

Ms. Overstreet stated that one phone call had been received in opposition to this request from Rosa Feliciano, 620 NW 35<sup>th</sup> Street, Ocala.

Mr. Herlihy came forward and stated that the developer would not be able to renege on what was proposed. For example: They could not change the development from a multi family development to a single family development. If this were the case, the applicant would have to go back to the board. Chairman Trow clarified that if the board approved a density of 50 units, and the applicant came back with a proposal for the same type and size units, but reduced the amount to 20, they would not have to go back to the board.

Mr. Ruse stated that he had been conceptually against the request as he thought the request was to construct apartments. However, he approved of the internal flow of traffic in the proposed development, as well as condominium usage. He stated that he would like to base approval on the conditions that the units be a minimum of 1500 square feet and have condominium ownership. In addition, he was in favor of staff conditions 11, 8, and 2. He felt the rest of staff's conditions should be dealt with during the site plan process. He added that this development would be a lot more serene than would certain business uses.

Chairman Trow summarized that Mr. Ruse was recommending approval with items 2, 8, & 11, plus a minimum of 1500 square feet of living area and condominium ownership.



Mr. Ruse commented on the gated aspect of the proposed development, stating that he did not want the board to stand in the way should the developer decide in the future that they did not want gates.

Ms. Johnson cited concern over the impact that 50 new residential units would make on the traffic conditions in the area. Mr. Mastroserio came forward and stated that the site plan process would require a traffic study. He acknowledged that the intersection in question was almost at capacity. If this development tripped that capacity, a traffic signal and improvements would be required.

Ms. Taylor asked about staff condition number 10 regarding the parking requirements. She asked if this was something that should be considered by the board, or if it was site plan related. Ms. Overstreet stated that the site plan would not be approved if they did not provide sufficient parking, which was 1 ½ spaces per unit. Mr. Herlihy stated that the area provided in front of each unit equaled the 1.5 requirement; however, it was questionable whether this space was actually usable. Mr. Mastroserio explained the size of the required driveways and explained the layout of the proposed project. Mr. Herlihy added that they might include visitor spaces at another location.

Ms. Johnson asked if staff had considered how the proposed development would impact the value of the existing \$300,000 homes. Mr. Herlihy explained that staff did not do this type of economic impact study. He explained that staff took more of an intuitive approach and considered something readily apparent such as whether the request was for a noxious use, or for something that generated a high volume of traffic. They did not estimate property values.

Ms. Taylor stated that she conceptually agreed with the request. She asked about alternative permitted uses in the B-4 zone which would not have to go to the Board of Adjustment and which might generate more traffic. Ms. Overstreet explained some of the uses allowed in the B-4 zone. Ms. Hancher added that these business uses could make the area more congested.

Mr. Ruse moved to approve Case SE04-0004 based upon the information provided in the findings of fact and included in the motion condition number 2, which dealt with the site plan being substantially the same; condition number 8, limiting the development to 50 residential units; condition number 11, a corrective note to read Retail Services; and with the inclusion that the condominium units have a minimum of 1500 square feet of living area; and that they are condominium ownership. Ms. Hancher seconded the motion. Without further discussion the motion carried unanimously upon roll call vote.

Chairman Trow asked, and Mr. Ruse clarified, that a board member that arrived in the middle of a presentation could vote on the issue at hand.

Chairman Trow then suggested that Mr. Mastroserio coordinate with those audience members present as the request went through the site plan process.

**Discussion / Case COD04-0003**

An ordinance of the City of Ocala, Florida, concerning voting requirements for the Board of Adjustment; amending section 78-174, decisions; providing for a majority vote and quorum requirements; providing for severability; providing for the repeal of conflicting ordinances; and providing an effective date.

Ms. Overstreet stated that the purpose of this discussion was to obtain the board's input on the proposed ordinance. She stated that this ordinance was presented to the Planning and Zoning Commission and they recommended denial. The ordinance was scheduled to be introduced to City Council on June 8<sup>th</sup> with the second and final reading scheduled for June 22<sup>nd</sup>. She stated that the minutes of this meeting would be relayed to City Council, and the Board members were encouraged to attend the June 22<sup>nd</sup> meeting and address Council. Ms. Overstreet explained that currently a vote of four was required to approve a request before the Board of Adjustment. If there are only four board members present it creates a "sudden death" board and all members must vote in the affirmative for the request to be approved. When this "sudden death" occurs, the applicants are given an option to table their request until a full board is available. This ordinance would allow a simple majority, or a vote of three if there were only four or five members present, to approve a request.

Discussion followed regarding the requirement of four board members to have a quorum and the voting requirements.

Chairman Trow asked why the Planning and Zoning Commission recommended denial of the proposed ordinance. Ms. Lens stated that the Planning and Zoning Commission felt that a vote of three was not enough to approve a special request or a variance.

Mr. Ruse stated that he was opposed to this change. He felt there was no need for it, as this was seldom an issue. He commented on the power of the Board of Adjustment and did not like the idea of three unelected individuals overruling the electorate.

Ms. Hancher added that a Board of Adjustment decision could not be appealed to City Council. The only appeal available was to Circuit Court. In the event of a sudden death board the applicants were given the choice to table the request until the next month at no extra cost. She did not feel the voting requirements should be changed.

Mr. Williamson confirmed that this requested ordinance change came from Councilman Kent Guinn.

Chairman Trow confirmed that currently four affirmative votes are required for approval and the question is to determine if a request could be approved with three votes.

Mr. Ruse commented on the Board of Adjustment for Marion County being a "good idea board," with no rules or regulations. There was no hardship requirement. He felt that the City of Ocala Board of Adjustment did a good job analyzing requests.

Ms. Hancher felt they should be held to higher standards than just three votes.

Discussion followed regarding tabling a request when there was a sudden death board, and the difficulties in the past of obtaining a quorum.

Ms. Lens stated that during the Planning and Zoning Commission meeting, it had been suggested that the membership of the Board of Adjustment be increased to avoid the situation of not having a quorum. Ms. Overstreet stated that the Board of Adjustment had an alternate position, which currently was not filled, and which was created to assist the board in reaching a quorum.

Mr. Williamson stated that he was in favor of increasing the size of the board. Mr. Ruse suggested that they should recommend to City Council that in lieu of adopting the proposed ordinance, they simply increase the membership of the Board of Adjustment to seven with an alternate. This would be a better cushion to avoid sudden death. Chairman Trow clarified that the voting requirement to approve a request would still be four.

Mr. Williamson suggested that it might be better to increase the board, as he felt they had an obligation to not hold up an applicant's project. Chairman Trow agreed, stating they had a duty to hold a hearing as scheduled.

Ms. Johnson stated that she originally thought the proposed ordinance was a good idea, and had questioned why it had been denied by the Planning and Zoning Commission. After listening to the discussion, she agreed with Mr. Ruse; they didn't need to change the voting requirements, but should avoid having to cancel meetings.

Chairman Trow confirmed with the board that they wished to advise Council to leave the voting requirements as they are, and add one more member to the board. The board was opposed to the proposed change.

The consensus of the board was to oppose the ordinance as drafted, and to suggest adding one additional permanent member to the board.

### **Comments from Board members**

Ms. Taylor advised that she was resigning from the board. Chairman Trow stated that the minutes would reflect their sincere appreciation for Ms. Taylor's service.

There being no further discussion, the meeting was adjourned at 6:47 p.m.

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# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

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**File #:** 2024-0934

**Agenda Item #:** c.

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Creative Learning Preschool, LLC / SE24-45530

Petitioner: Creative Learning Preschool, LLC

Planner: Breah Miller 352-629-8341

[bmiller@ocalafl.gov](mailto:bmiller@ocalafl.gov)

A request to allow daycare facility in M-1, Light Industrial zoning district, for property located at 5285 SW 1st Lane (Parcel 2318-002-107); approximately 1.20 acres.

*Recommended Action: Approval with conditions*



## Staff Report

SE24-45530

Board of Adjustment: March 18, 2024

**Petitioner:** Creative Learning Preschool, LLC  
**Property Owner:** Creative Learning Preschool, LLC  
**Agent:** N/A  
**Project Planner:** Breah Miller  
**Applicant Request:** Special Exception to allow a daycare facility in M-1, Light Industrial zoning district

### Parcel Information

**Acres:** ±1.20 acres  
**Parcel(s) #:** 2318-002-107  
**Location:** 5285 SW 1<sup>st</sup> Lane  
**Future Land Use:** Employment Center  
**Zoning District:** M-1, Light Industrial District  
**Existing Use:** Daycare Facility

### Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
<b>North</b>	Public (County)	M-1, Light Industrial (County)	FDOT Water Retention Area
<b>East</b>	Employment Center	M-1, Light Industrial District	Oak & Sage Realty and SCP Distributors, LLC
<b>South</b>	Employment Center	M-1, Light Industrial District	Vacant & Falcon Tire Center
<b>West</b>	Employment Center	M-1, Light Industrial District	Penske Truck Rental

### Background:

The subject property, identified by Parcel Identification Number 2318-002-107, contains an approximate ±1.20 acres, and is generally located at 5285 SW 1<sup>st</sup> Lane, southwest of the intersection at W Highway 40 and SW 52<sup>nd</sup> Avenue. The subject property is currently developed as a daycare facility, Creative Learning Preschool.

The facility was built in 1991 and has always operated as a preschool/daycare facility. The existing facility is a legal non-conforming use. Daycare and preschool facilities are only permitted within the M-1, Light Industrial district as a Special Exception.

The applicant has stated intent to develop the property further with an additional building. Section 122-173(1) of the City of Ocala Cod of Ordinances states that “no such nonconforming use shall be enlarged or increased, or extended, or occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived, before the date of adoption of this chapter, or the effective date of an amendment of this chapter.” The development of an additional building will void the legal nonconforming status that the property has had since being annexed in 1991, requiring the applicant to request a Special Exception to continue the use. The applicant has submitted a conceptual plan, it is their intent to receive Special Exception approval and then hire a design professional for the building addition.

### **Staff Analysis**

Approval of the Special Exception with conditions is recommended to allow for a daycare facility within the M-1, Light Industrial district. Pursuant to Ocala Code of Ordinances Section 122-764(4)(b), daycare facilities are permitted by Special Exception pursuant to the standards of Article IX, Division 5 of Chapter 122 in the M-1, Light Industrial district. The proposed new building will be subject to site plan review per Section 122-212.

The nonconforming use has had no code enforcement issues and no negative impact on the surrounding area since it was established in 1991.

#### **Special Exception Standards for Approval (Section 122-73(5)):**

The Code states that the Board of Adjustment, in reaching its conclusion and in making the required findings, shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, that the purposes and requirements for granting the special exception have been met by the applicant. The required factors to be weighed are as follows:

- A. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

*The property currently only has one ingress and egress to the property from SW 1<sup>st</sup> Lane. The property has a flag driveway which opens up to a roundabout surrounding the existing parking. The applicant proposes to keep the current circulation and does not intend to add additional ingress and egress to the site.*

- B. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare, or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

*The site currently has adequate parking and the applicant is proposing additional parking to the north of the existing parking. The property will be subject to meeting any additional parking requirements during the site plan process.*

- C. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

*There is an existing dumpster which will remain in its current location at this time.*

- D. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

*This parcel is serviced by the City of Ocala Utilities. There is currently infrastructure in place along SW 1<sup>st</sup> Lane, south of the subject property.*

- E. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

*Per Section 122-1314, An outdoor play area must be fenced with no portion closer than 20-feet to any residential lot line, or closer than 50-feet to any public street. In addition, there shall be a ten-foot landscaped buffer between any portion of the fenced play area and any nonresidential lot line. This ten-foot buffer shall be designed in accordance with subsection 122-260(e). This will be reviewed to the site plan process.*

- F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

*Signage will remain. All signage changes will be required to meet standards pursuant to Section 110-151.*

- G. Required yards and open spaces.

*Per Section 122-1313, the total lot area shall be no less than 15,000 square feet, and the lot width shall be no less than 100 feet. The lot is a flag lot, meaning there is only 40-feet of frontage. However, where development is proposed and existing the property is approximately 190-feet wide. The lot is 1.20 acres and meets the required 15,000 sq ft.*

*The site plan shows that the proposed building will be approximately 72 ft from SR40. However, the parcel just north of the subject property is approximately 50 feet wide. Due to setback and yard requirements modification to the buildings size and placement may need to take place to meet said requirements through the site plan review process.*

- H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

*M-1, Light Industrial, has a height restriction of 60-feet. The current building meets the height requirement and the proposed building will be subject to site plan review.*

- I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

*There is no economic impact proposed for the adjacent properties.*

- J. Visual, physical, and economic impact of the proposed project or use on a historically designated property and district

*The is no negative visual, physical, and economic impacted proposed.*

**Recommended Conditions of Approval:**

1. The approval of the Special Exception shall remain with the Property in perpetuity, regardless of changes in ownership.
2. The Applicant shall apply for and obtain all necessary site permits for the installation of the additional building, play area (and parking as necessary).
3. A Certificate of Occupancy for the proposed use shall be issued within 2 years of the date of approval by the Board of Adjustment or this Special Exception shall expire.

<b>Staff Recommendation: Approval with Conditions</b>
---





GROWTH MANAGEMENT DEPARTMENT  
DEVELOPMENT SERVICES  
201 SE 3<sup>rd</sup> STREET, (Second Floor), OCALA, FL 34471  
Phone: (352) 629-8404 Fax: (352) 629-8242  
Email: [gmd@ocalafl.org](mailto:gmd@ocalafl.org) Website: [www.ocalafl.org](http://www.ocalafl.org)

**SPECIAL EXCEPTION REQUEST**  
**(\$1,250)**

Due Date: Complete application 45 days prior to Zoning Board of Adjustment meeting held on the third Monday of the month. Incomplete applications will not be processed until all required information is submitted. Staff may request additional information to properly review the application.

1. Name of Petitioner(s): Creative Learning Preschool

Address of Petitioner(s): 5285 SW 1<sup>st</sup> Ln Ocala FL 34474

City Ocala State FL Zip Code 34474 Phone # 352 322 9663

Fax # \_\_\_\_\_ Email address clpreschool15@gmail.com

2. a. Parcel account number(s) [from tax roll]: 2318-002-107

b. Section 16 Township 15 Range 21 Size of Property 1.20 Acres

c. Legal Description: (Please attach)

NOTE: It shall be the applicant's responsibility to provide the correct legal description for the subject property. The application will not be processed until a correct legal description is provided. An electronic file of the legal description in Word format must be submitted with the application.

3. Street address of the property (if the property has no street address Development Services will complete this section):

5285 SW 1<sup>st</sup> Ln Ocala FL 34474

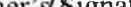
4. a. Present Land Use designation: Municipality, Industrial

b. Present Zoning District: District 5 - Michelle Stone

5. a. Description of the request: Adding a new building

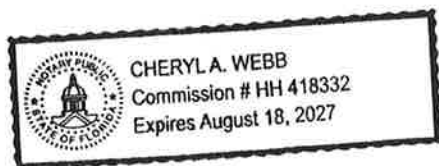
b. Is a variance being requested along with this special exception? \_\_\_\_\_

6. The following items are required (The application will not be processed if these items do not accompany the application.):
  - a. Deed or other proof of ownership
  - b. Notarized signature of the current property owner(s) and the agent's signature, if applicable
  - c. The appropriate fee in cash or check (Payable to the City of Ocala)
  - d. Site plan or site sketch drawn to scale submitted electronically as a pdf.
  - e. Electronic file of legal description in Word format

  
Owner's Signature

State of Florida

Cheryl Webb  
NOTARY PUBLIC



**AUTHORIZED AGENT:**

I, \_\_\_\_\_, am the legal representative of the owner and I am authorized to speak in his/her behalf for the subject matter.

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Address (Street)

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Email Address

**ATTENDANCE** at the public hearing by the applicant  
or agent (as designated in writing) **IS RECOMMENDED**

---

**STAFF USE ONLY:**

a. Date received: _____			
b. Petition contains all required information:	Y	N	
c. Petition is consistent with the zoning code:	Y	N	
d. Petition is consistent with the comprehensive plan:	Y	N	
e. Site lies within an historic district:	Y	N	
If yes, what district: _____			
f. Petition rejected:	Y	N	(see attached reason)
g. Petition accepted:	Y	N	Case #: _____
h. Land use:			Case #: _____

A special exception shall not be granted by the board of adjustment unless and until

- (1) A written application for a special exception is submitted indicating the section of this article under which the special exception is sought and stating the grounds on which it is requested. The application shall include a site plan or sketch of the subject property drawn to scale;
- (2) Notice of public hearing on the special exception shall be given in the manner prescribed in Section 7-620, subsection (3)(c);
- (3) The public hearing shall be held. Any party may appear in person or by agent or attorney;
- (4) The board of adjustment shall make findings that it is empowered under the section of this article described in the application to grant the special exception and that the granting of the special exception, with any appropriate conditions and safeguards that the board may deem necessary, will not adversely affect the public interest;
- (5) In reaching its conclusion and in making the findings required in paragraph (4) above, the board of adjustment shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, where they may be relevant and applicable; that the purposes and requirements for granting the special exception have been met by the applicant:
  - a. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
  - b. Off-street parking and loading areas, where required, including consideration of relevant factors in subparagraph (a) above, and the economic, noise, glare, or odor effects of the locations of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district;
  - c. Refuse and service areas, including consideration of relevant factors in subparagraphs (a) and (b) above;
  - d. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use;
  - e. Screening and buffering, including considerations of such relevant factors as type, dimensions, and character to preserve and improvement compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district;
  - f. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety, and economic effects of same on properties in the district and compatibility and harmony with other properties in the district;
  - g. Required yard and open spaces;

- h. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district;
- i. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.
- j. Visual, physical, and economic impact of the proposed project or use on a historically designated property and district.

In granting any special exception, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this article. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this article. In making a grant of a special exception, the board of adjustment shall prescribe a time limit within which the action for which the special exception is granted shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit shall void the special exception.

NOT DRAWN TO SCALE

SCP DISTRIBUTORS

HWY 40

197 FT

72 FT

PLAYGROUND

53 FT

NEW DEVELOPMENT

78 FT

53 FT

EXISTING BUILDING

78 FT

80 FT

EXISTING  
RETENTION

33 FT

PARKING

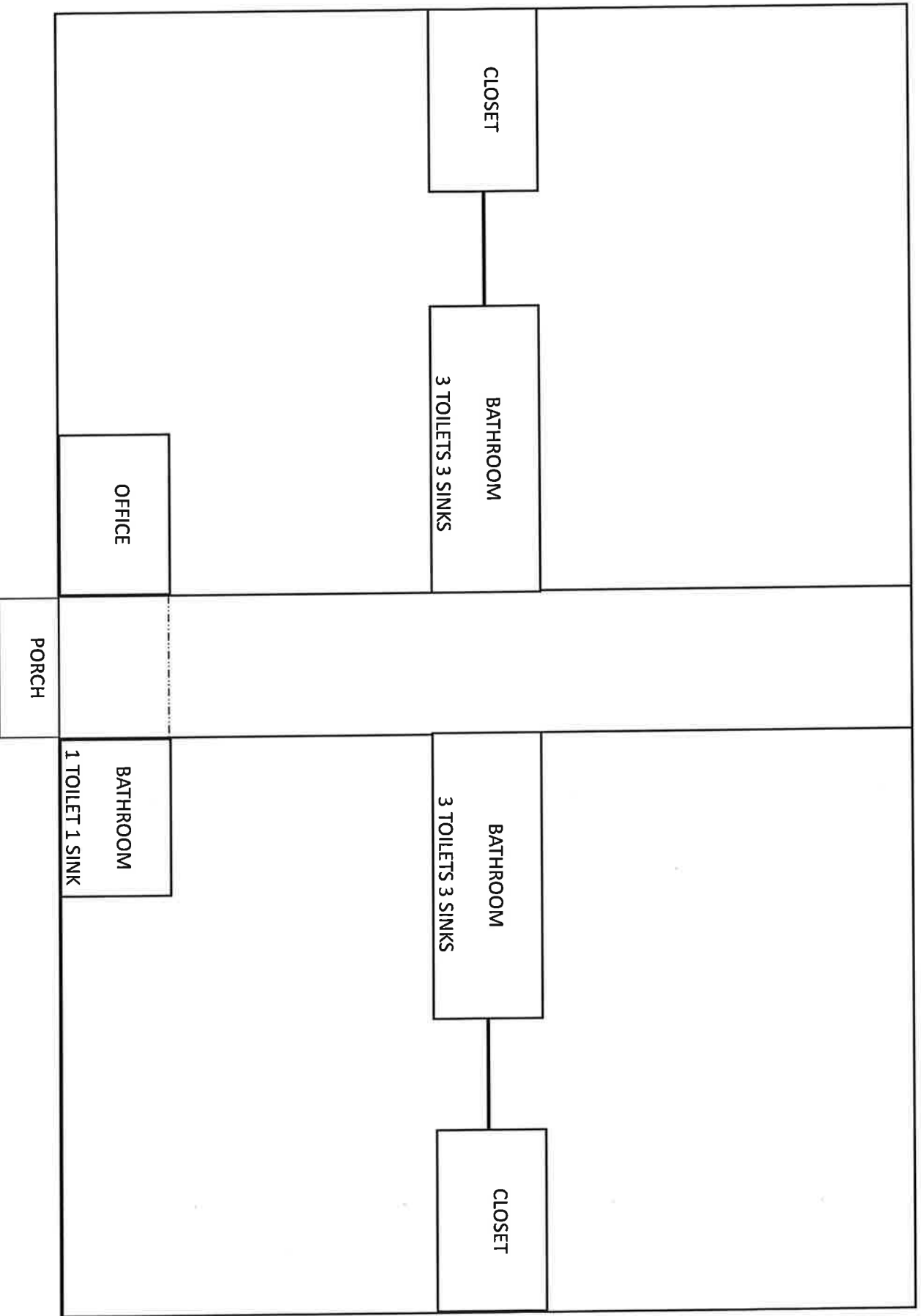
PARKING

57 FT

170 FT

PENSKE

PENSKE



Jimmy H. Cowan, Jr., CFA

# Marion County Property Appraiser



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

## 2023 Certified Assessment Roll Real Estate

2318-002-107

[GOOGLE Street View](#)

Prime Key: 2633816

[Beta MAP IT+](#)

### Property Information

CREATIVE LEARNING PRESCHOOL  
LLC  
5285 SW 1ST LN  
OCALA FL 34474-9304

Taxes / Assessments: \$7,304.37

Map ID: 146

Millage: 1005 - OCALA

M.S.T.U.

PC: 19

Acres: 1.20

Situs: 5285 SW 1ST LN OCALA

### Current Property Value by Income

Land Just Value	N/A	
Buildings	N/A	
Miscellaneous	N/A	
Total Just Value	\$349,516	<u>Ex Codes:</u>
Total Assessed Value	\$349,516	
Exemptions	\$0	
Total Taxable	\$349,516	

### History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$86,249	\$384,687	\$9,204	\$349,516	\$349,516	\$0	\$349,516
2022	\$86,249	\$335,212	\$9,204	\$339,459	\$339,459	\$0	\$339,459
2021	\$75,794	\$304,332	\$9,204	\$329,362	\$329,362	\$0	\$329,362

### Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
<a href="#">7757/1340</a>	03/2022	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$400,000
<a href="#">6060/0556</a>	06/2014	57 TRANSFER FROM BANK	8 ALLOCATED	U	I	\$707,000
<a href="#">5704/1470</a>	07/2012	56 TRANSFER TO BANK	0	U	I	\$100
<a href="#">1753/0730</a>	07/1991	96 ANNEX	0	U	V	\$100
<a href="#">1717/1750</a>	01/1991	07 WARRANTY	5 V-OTHER MLSAGENT	U	V	\$32,000

### Property Description

SEC 16 TWP 15 RGE 21  
PLAT BOOK U PAGE 074  
OCALA AIRPORT COMMERCE CENTER  
W 190 FT OF LOT 7 BLK B & W 35 FT OF LOT 6 BLK B



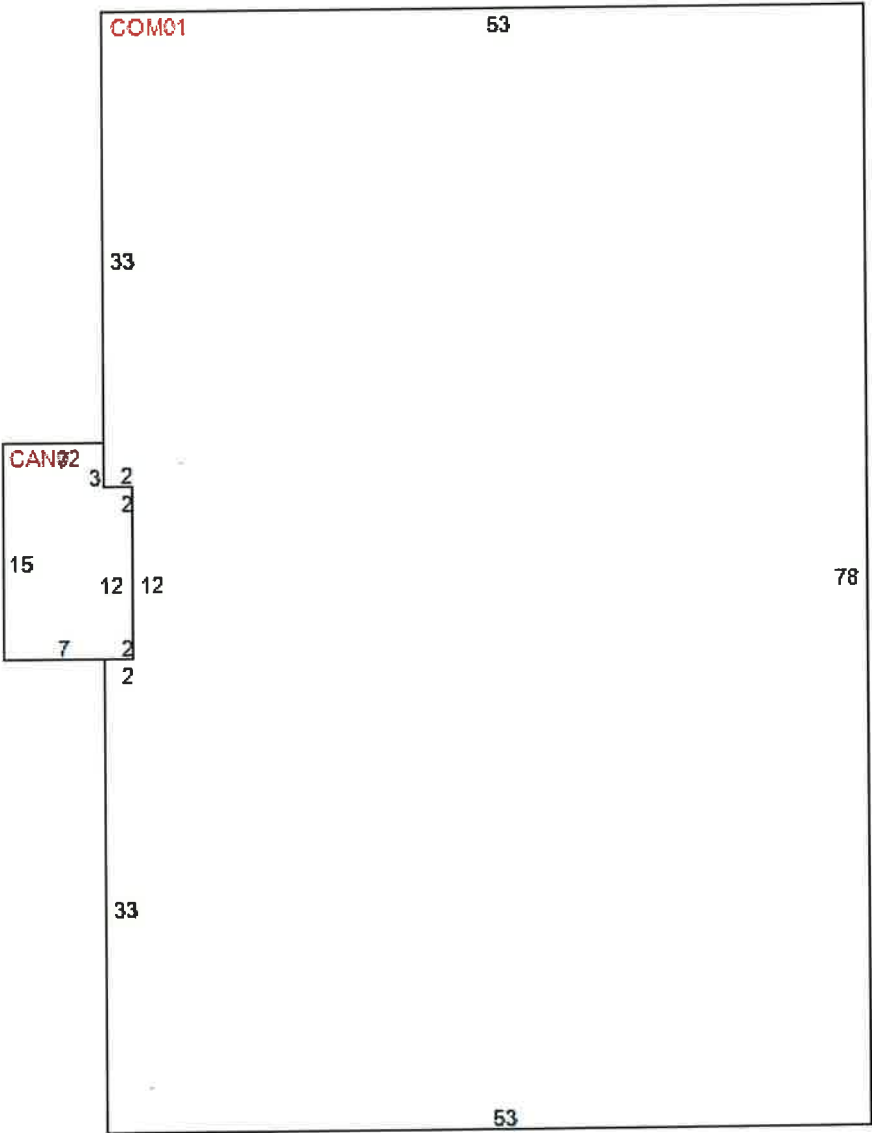
Parent Parcel: 2318-002-007

[Land Data - Warning: Verify Zoning](#)

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
GISF	1916	190.0	275.0	M1	52,272.00	SF	1.6500	1.00	1.00	1.00	86,249	86,249
Neighborhood 9972 - COMM SR 40 - SW 80TH AV/44 AV											Total Land - Class \$86,249	
Mkt: 2 70											Total Land - Just \$86,249	

[Traverse](#)

**Building 1 of 1**  
COM01=L53U33R2U12L2U33R53D78.L53U33  
CAN02=L7U15R7D3R2D12L2.



[Building Characteristics](#)

Structure	4 - MASONRY NO PILAST	Year Built 1991
Effective Age	4 - 15-19 YRS	Physical Deterioration 0%
Condition	1	Obsolescence: Functional 0%

<b>Quality Grade</b>	600 - AVERAGE		<b>Obsolescence: Locational 0%</b>	
<b>Inspected on</b>	3/22/2017 by 117		<b>Base Perimeter 266</b>	

**Exterior Wall 32 CONC BLK-STUCO**

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	Sprinkler	A/C
1	10.0	1.00	1991	0	4,110 M72	SCHOOL/PRIVATE	100 %	N Y
2	14.0	1.00	1991	0	129 CAN	CANOPY-ATTACHD	100 %	N N

**Section: 1**

<b>Elevator Shafts: 0</b>	<b>Aprtments: 0</b>	<b>Kitchens: 1</b>	<b>4 Fixture Baths: 2</b>	<b>2 Fixture Baths: 1</b>
<b>Elevator Landings: 0</b>	<b>Escalators: 0</b>	<b>Fireplaces: 0</b>	<b>3 Fixture Baths: 0</b>	<b>Extra Fixtures: 14</b>

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
144 PAVING ASPHALT	12,034.00	SF	5	1991	3	0.0	0.0
105 FENCE CHAIN LK	130.00	LF	20	1991	1	0.0	0.0
105 FENCE CHAIN LK	650.00	LF	20	1991	3	0.0	0.0
Total Value - \$9,204							

Appraiser Notes

CREATIVE LEARNING PRESCHOOL

Planning and Building

\*\* Permit Search \*\*

Permit Number	Issued Date	Complete Date	Description
BLD21-1514	6/16/2021	6/17/2021	FAMILY TIES / PARTITION WALL
MA40580	2/1/1991	5/1/1991	BLDG 01= NEW COM

Cost/Market Summary

Buildings R.C.N.	\$574,160	3/24/2017				
Total Depreciation	(\$189,473)					
Bldg - Just Value	\$384,687		<b>Bldg Nbr</b>	<b>RCN</b>	<b>Depreciation</b>	<b>Depreciated</b>
Misc - Just Value	\$9,204	3/11/2011	1	\$574,160	(\$189,473)	\$384,687
Land - Just Value	\$86,249	6/27/2019				
Total Just Value	\$480,140	.				



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
CREATIVE LEARNING PRESCHOOL LLC

### Filing Information

**Document Number** L19000303044  
**FEI/EIN Number** 84-4066060  
**Date Filed** 12/12/2019  
**Effective Date** 12/12/2019  
**State** FL  
**Status** ACTIVE

### Principal Address

5285 SW 1st Lane  
Ocala, FL 34474

Changed: 06/08/2020

### Mailing Address

5285 S W 1ST LANE  
Ocala, FL 34474

Changed: 06/03/2022

### Registered Agent Name & Address

BERG, KAYLA R  
5285 SW 1st Lane  
Ocala, FL 34474

Address Changed: 06/08/2020

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

BERG, KAYLA R  
5285 SW 1st Lane  
Ocala, FL 34474

### Annual Reports

Report Year	Filed Date
-------------	------------

2021	03/28/2021
2022	03/04/2022
2023	04/13/2023

#### **Document Images**

<a href="#"><u>04/13/2023 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/04/2022 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>03/28/2021 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>06/08/2020 -- ANNUAL REPORT</u></a>	<a href="#">View image in PDF format</a>
<a href="#"><u>12/12/2019 -- Florida Limited Liability</u></a>	<a href="#">View image in PDF format</a>

Recording: \$  
Doc. Stamps: \$

GREGORY C HARRELL CLERK & COMPTROLLER MARION CO  
DATE: 04/19/2022 04:10:35 PM  
FILE #: 2022056769 OR BK 7757 PGS 1340-1341  
REC FEES: \$18.50 INDEX FEES: \$0.00  
DDS: \$2800.00 MDS: \$0.00 INT: \$0.00

Prepared by:  
Superior Title Insurance Agency of Marion County, LLC  
421 South Pine Avenue  
Ocala, Florida 34471

File Number: 122102

## Warranty Deed

Made this March 30, 2022 A.D. By **Family Ties Child Center Inc. Whose address is:**  
3230 SE 58th Ave Ocala, FL 34480, hereinafter called the grantor, to **CREATIVE LEARNING PRESCHOOL LLC**, whose post office address is: **5285 SW 1st Lane, Ocala Florida 34474**, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witneseth**, 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, viz:

**See Attached Schedule "A"**

Parcel ID Number: **2318-002-107**

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise 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 31, 2022.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence:*

Marlene Larsen  
Witness Printed Name Marlene Larsen

Cedie Carroll  
Witness Printed Name Cedie Carroll

Deanna Michle Moreno (Seal)  
Family Ties Child Center Inc.

Address: Deanna Michle Moreno (Seal)  
By: Deanna Michle Moreno, President  
Deanna Michle Moreno  
By: Deanna Michle Moreno, Secretary

State of: Florida  
County of: Marion

The foregoing instrument was acknowledged before me by **Deanna Michle Moreno** means of ☒ physical presence or ☐ online notarization, this 31 day of March, 2022, by Deanna Michle Moreno who is President and Secretary of Family Ties Child Center Inc., [ ] who is/are personally known to me or who [ ] has produced Driver License as identification.



Cedie Fay Carroll  
Notary Public  
Print Name: Cedie Fay Carroll  
My Commission Expires: 9/12/23

Recording: \$ \_\_\_\_\_  
Doc. Stamps: \$ \_\_\_\_\_

Prepared by:  
Superior Title Insurance Agency of Marion County, LLC  
421 South Pine Avenue  
Ocala, Florida 34471

File Number: 122102

### **"Schedule A"**

The West 190 feet of Lot 7, Block B, and the West 35 feet of Lot 6, Block B, OCALA AIRPORT COMMERCE CENTER, as per plat thereof recorded in Plat Book U, Pages 74 and 75, Public Records of Marion County, Florida.

DEED Individual Warranty Deed with Legal on Schedule A  
Closers' Choice



AERIAL MAP

BOA Meeting: March 18, 2024

Case Number:

SE24-45530

Parcel:

2318-002-107

Property Size:

Approximately 1.20 acres

Land Use Designation:

Employment Center

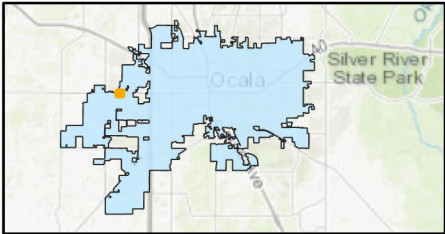
Zoning:

M-1. Light Industrial

Proposal:

A request for a special exception to allow a daycare facility in M-1, Light Industrial zoning district.

Location Map



- Subject Property
- Parcels
- City Limits

0 500 Feet





CASE MAP

BOA Meeting: March 18, 2024

Case Number:

SE24-45530

Parcel:

2318-002-107

Property Size:

Approximately 1.20 acres

Land Use Designation:

Employment Center

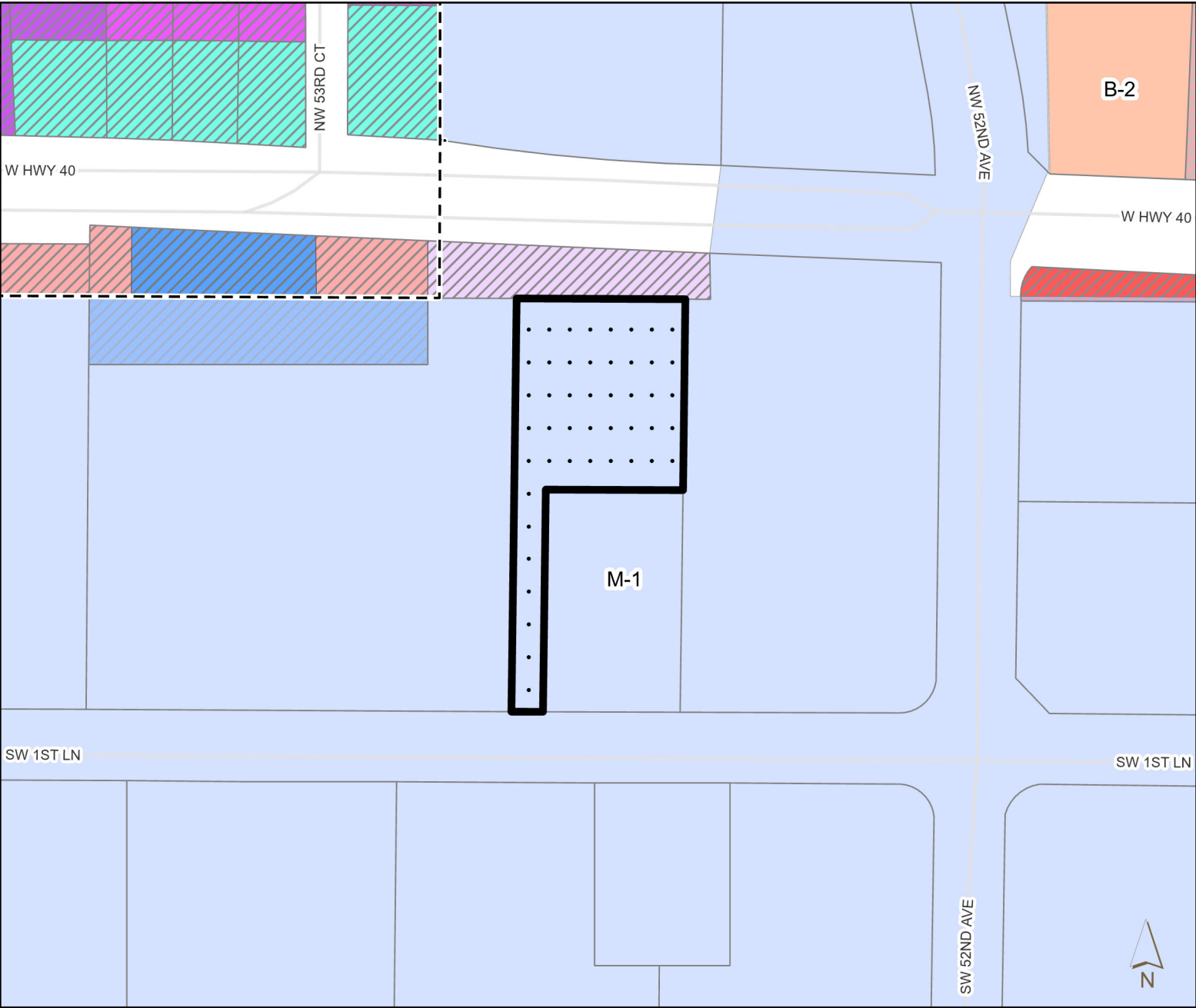
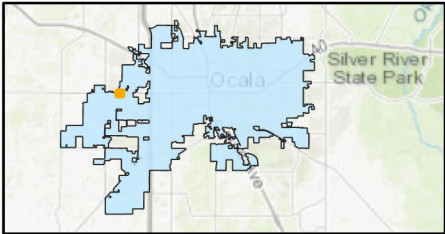
Zoning:

M-1. Light Industrial

Proposal:

A request for a special exception to allow a daycare facility in M-1, Light Industrial zoning district.

Location Map



Subject Property

Parcels

City Limits

B-2:Community Business

M-1:Light Industrial

Ordinance Needed

A-1, General Agriculture (county)

B-2, Community Business (county)

B-3 (county)

M-1, Light Industrial (county)

R-2 (county)

R-3, Multiple Family Dwelling (county)

R-E, Residential Estate (county)

0

500 Feet

Prepared by the City of Ocala  
Growth Management Department  
by kwirthlin on 2/20/2024

1001





# Ocala

## Legislation Text

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

---

**File #:** 2024-0935

**Agenda Item #:** a.

---

4 Sisters Land Holdings, LLC / VAR24-45542

Petitioner: 4 Sisters Land Holdings, LLC

Planner: Breah Miller 352-629-8341

[bmiller@ocalafl.gov](mailto:bmiller@ocalafl.gov)

A request to reduce the rear setback from twenty-five-feet (25') to nine-feet (9') in R-3, Multi-Family Residential zoning district, for property located at 122 SE Wenona Ave (Parcel 2820-027-009); approximately 0.19 acres.

*Recommended Action: Approval with conditions*

.



## Staff Report

VAR24-45542

Board of Adjustment: March 18, 2024

**Petitioner:** 4 Sister Land Holdings, LLC  
**Property Owner:** 4 Sister Land Holdings, LLC  
**Agent:** Toby Kelly  
**Project Planner:** Breah Miller, Planner II  
**Applicant Request:** Variance to reduce the rear setback from twenty-five (25) feet to nine (9) feet to in R-3, Multi-Family Residential.

### Parcel Information

**Acres:** +/- 0.19 acres  
**Parcel(s) #:** 2820-027-009  
**Location:** 122 SE Wenona Avenue  
**Future Land Use:** Neighborhood  
**Zoning District:** R-3, Multi-Family Residential  
**Existing Use:** Single-Family Residence

### Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
<b>North</b>	Neighborhood	RBH-3, Residential Business Historic- 3	Quadplex (Ocala Historic District)
<b>East</b>	Neighborhood	R-3, Multi- Family District RO, Residential Office District	Attorneys at Law; Richard & Powers (Ocala Historic District) Single Family Residence (Ocala Historic District)
<b>South</b>	Neighborhood	R-3, Multi- Family District	Single Family Residence (Ocala Historic District)
<b>West</b>	Neighborhood	R-3, Multi- Family District	Single Family Residence (Ocala Historic District)

### Background:

The subject property, identified by Parcel Identification Number 2820-027-009, contains an approximate +/- 0.19 acres, and is generally located in the northwest area of the Ocala Historic District at the intersection of SE Wenona Avenue and SE 2<sup>nd</sup> Street, 122 SE Wenona Avenue. The

subject property is a corner lot that is approximately 80-feet wide and 103-feet long with a home that has an approximate 1,863 square feet of ground floor area. The existing home has a frame Victorian influence building style home that was built in 1912.

On January 4, 2024, the applicant received approval from the Ocala Historic Preservation Advisory Board for a twenty-four (24) feet by thirty-feet, five-inch (30'5") carport addition. The approval was based on the following:

1. Ocala Historic Code: Sec. 94-82(g)(1) – Exterior alterations shall not diminish the architectural or historic character of the building or building site.
2. Ocala Historic Code: Sec. 94-82(g)(4) – Landscaping, signs, parking and site development should be sensitive to the individual building and should be visually compatible with the buildings and environment with which they are visually related.
3. The Secretary of the Interior's Standards for Rehabilitation: Additions (pg. 35) – Recommended – Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the district or neighborhood in terms of size, scale, design, material, color, and texture.

### **Staff Analysis**

R-3, Multi-Family Residential, has a setback requirement of 20-feet in the front yard, 8-feet in the interior side yard, 20-feet in the street side yard, and 25-feet in the interior rear. The front yard is located along SE Wenona Avenue with the interior side yard located along the northern boundary of the property. The south elevation makes up the street side yard of the home and currently sits approximately 13-feet from the street side property line. The street side yard setback of 20-feet will not be met if the variance is approved; however, the existing nonconformity is not increased. The addition is proposed at 18-feet from the street side property line and will not create a negative impact due to the existing condition of the primary structure. The proposed addition also encroaches into the rear yard. A 16-foot reduction of the 25-foot rear yard setback is being requested. If the carport were to be detached, the structure could be three feet away from the rear property line.

The home adjacent to the west of the subject property is approximately nine feet away from the property line. The west property line is the rear yard for 122 SE Wenona Avenue; the proposed carport will be placed in this portion of the property. The applicant has proposed a two-car carport with a width of approximately 22-feet. The intent of the carport is to provide additional parking located away from the street. If the carport was limited to a single car, additional vehicles would not have ample space to park without potentially impacting the right-of-way. The Florida Building Code requires a minimum building separation of 10-feet from another structure. The applicant proposes 18-feet of separation from the proposed structure and the neighboring home to the west.

The reduction will be consistent and compatible with the surrounding uses and districts. The homes in the surrounding area were built in the early and mid-1900s. All in which have nonconforming setbacks. Should this request be approved, it will not be detrimental to the public interest.

### **Variance for Historic Property Standards for Approval (Section 122-93):**

The Code states that the Board of Adjustment shall authorize, upon appeal from the decision of the building official, in specific cases, such variance from the terms of this chapter as will not be

contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulties. An applicant for a variance within a designated historic district or property need not demonstrate a practical difficulty, but shall show only that the project is not detrimental to the public interest:

*The addition will only affect one side of the property with a 16- foot reduction from a rear yard requirement of 25-feet to nine feet. The neighboring site will have a building separation of 18- feet which meets the regulations of the Florida Building Code. The addition also received approval from the Ocala Historic Preservation Board on January 4<sup>th</sup>, 2024. Therefore, a variance to reduce the rear setback from twenty-five (25) feet to nine (9) feet to in R-3, Multi-Family Residential will not be detrimental to the public instrest.*

**Recommended Conditions of Approval:**

1. A Certificate of Occupancy shall be issued within 2 years of the date of approval by the Board of Adjustment or this Variance shall expire.
2. Improvements must be consistent with the approved plans submitted to the Ocala Historic Preservation Advisory Board (OHPAB).
3. Apply for an Administrative Variance to allow the street side setback of 18-feet instead of the permitted 20-feet or revise the size/location of the home addition to meet the required side yard setback.

<b>Staff Recommendation: Approval with Conditions</b>
---



AERIAL MAP

BOA Meeting: March 18, 2024

Case Number:

Parcel:

Property Size:

Land Use Designation:

Zoning:

Proposal:

VAR24-45542

2820-027-009

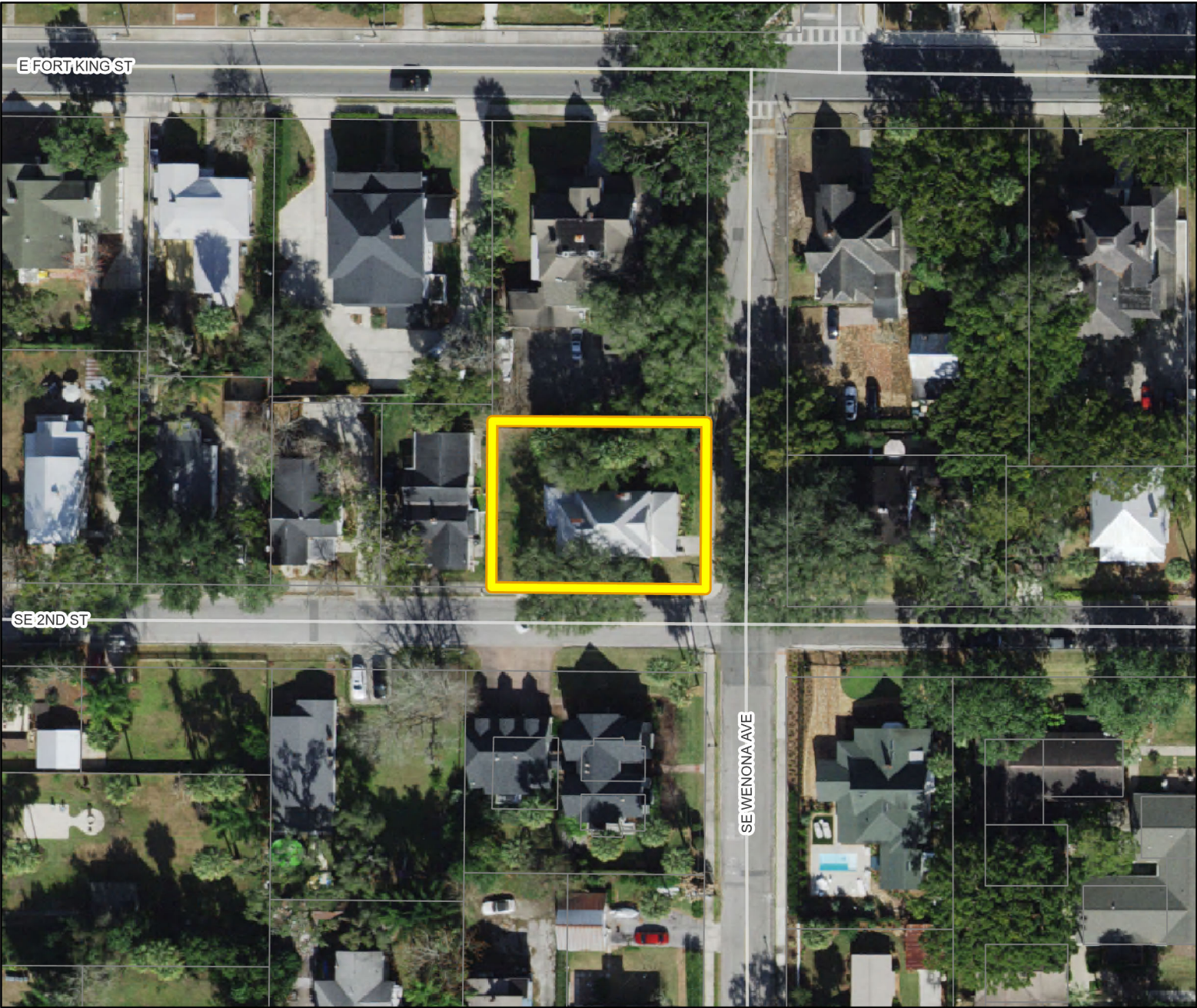
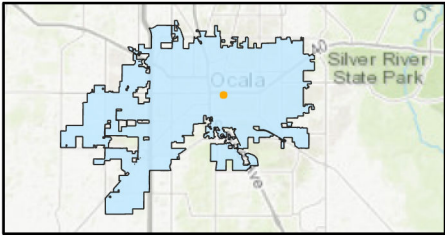
Approximately 0.19 acres

Neighborhood

R-3, Multi-Family Residential

A request to decrease the setback on the western property line to 9-feet

Location Map



- Subject Property
- Parcels
- City Limits

0 200 Feet



CASE MAP

BOA Meeting: March 18, 2024

Case Number:

Parcel:

Property Size:

Land Use Designation:

Zoning:

Proposal:

VAR24-45542

2820-027-009

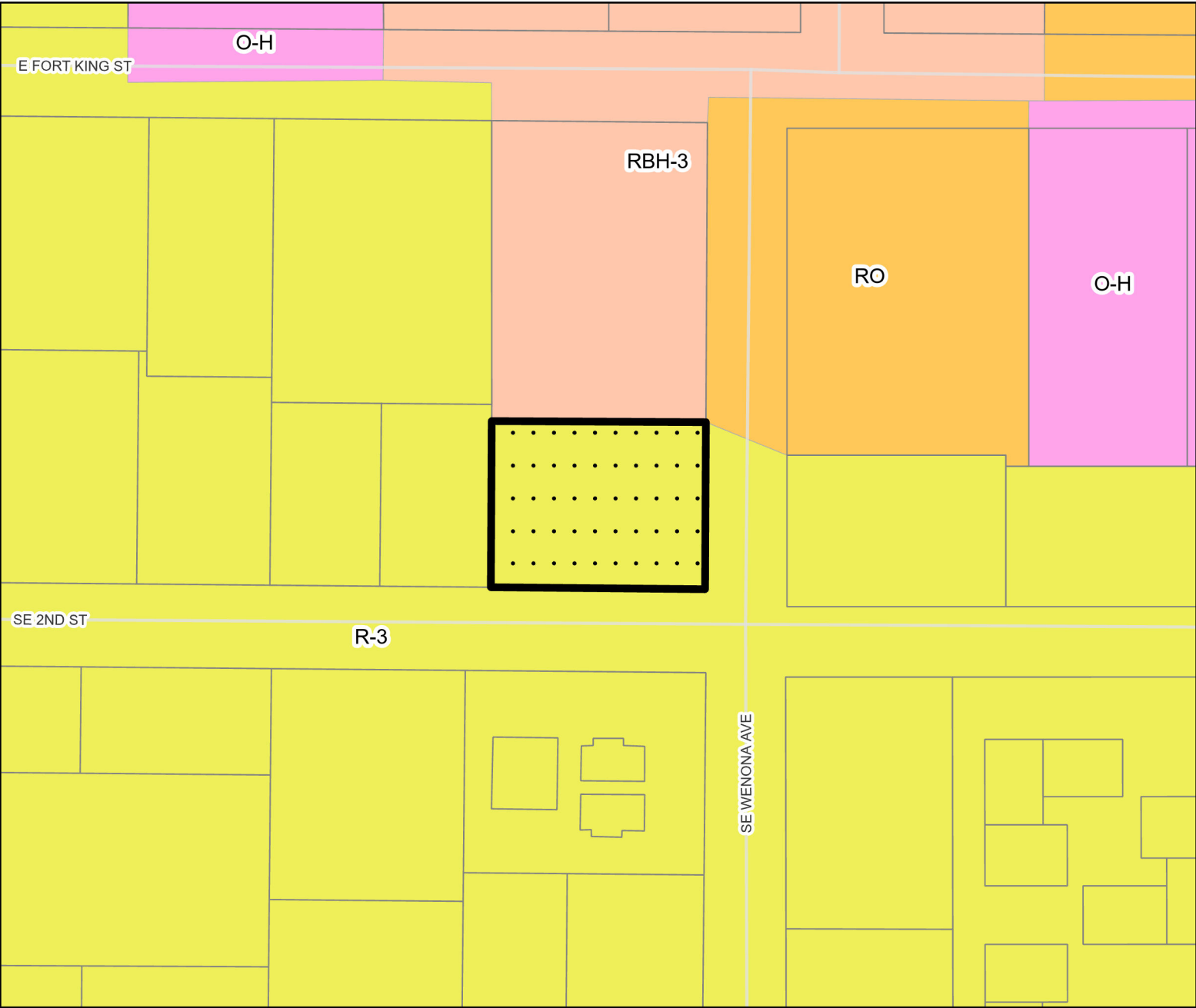
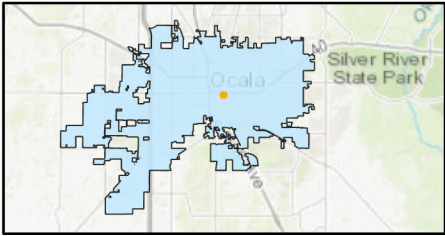
Approximately 0.19 acres

Neighborhood

R-3, Multi-Family Residential

A request to decrease the setback on the western property line to 9-feet

Location Map



Subject Property

Parcels

City Limits

O-H:Office Historic

R-3:Multi-Family Residential

RBH-3:Residential Business Historic-3

RO:Residential Office

0200 Feet

N



**APPROVED**

By Breah Miller at 9:36 am, Jan 08, 2024



City of Ocala  
Growth Management Department  
201 S.E. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor  
352-629-8421 | [www.ocalafl.org](http://www.ocalafl.org)

Case File # 293  
COA 23 - 45465  
Meeting Date: January 4, 2024  
Product Approval # \_\_\_\_\_

### Application for a Certificate of Appropriateness (COA)

As required by [Section 94-82\(g\)](#) of the City of Ocala Code of Ordinances, Ocala Historic Preservation Advisory Board (OHPAB) decisions on the COAs will be based on the [Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings](#) the [Ocala Historic Preservation Design Guidelines](#), and the [Ocala Historic Preservation Code](#).

#### COA Application Procedure:

1. Arrange an informal pre-application conference with Planning staff.
2. Fill out and submit COA application and required material to Planning staff 30 days prior to OHPAB meeting. Please email application packets: [historic@ocalafl.org](mailto:historic@ocalafl.org).
3. Attend OHPAB meeting or send a representative with a letter of authorization.
4. Meetings are held the 1<sup>st</sup> Thursday of each month at 4:00 p.m.
5. Meeting Location: City Council Chambers, 2<sup>nd</sup> floor of City Hall (110 SE Watula Ave.)

If applicant fails to notify staff and does not attend the meeting, the application may be tabled for one month. If applicant fails to notify staff and does not attend the next monthly meeting, the application may be denied without prejudice.

**There is no application fee; however, if work is performed without an approved COA, a fee of \$100 will be assessed.**

Parcel #:	2820-027-009	Property Address:	122 SE Wenona Ave. Ocala, Florida 34471
Owner:	4 SISTER LAND HOLDINGS LLC	Owner Address:	122 SE Wenona Ave. Ocala, Florida 34471
Owner Phone #:	(352) 266-0100	Owner Email:	myronbowlin@gmail.com
Will there be an additional meeting representative? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If yes, representative will need a letter of authorization*)			
If yes, name of representative:		Toby Kelley	
Rep. Phone #:		(352) 572-0958	
Rep. Email:		toby@patkelleybuilder.com	

Project Type:	<input checked="" type="checkbox"/> Addition	<input type="checkbox"/> New Construction	<input type="checkbox"/> Site Work
	<input type="checkbox"/> Alteration	<input type="checkbox"/> Reroof	<input type="checkbox"/> Fence
	<input type="checkbox"/> Repair	<input type="checkbox"/> Relocation	<input type="checkbox"/> Other _____

City of Ocala Application for Certificate of Appropriateness  
Form revised: January 2023

**APPROVED**

By Breah Miller at 9:36 am, Jan 08, 2024



City of Ocala

201 S.E. 3<sup>rd</sup> Street, 2<sup>nd</sup> Floor

352-629-8421 | [www.ocalafl.org](http://www.ocalafl.org)

Case File #

COA

Meeting Date:

Product Approval #

293

23-45465

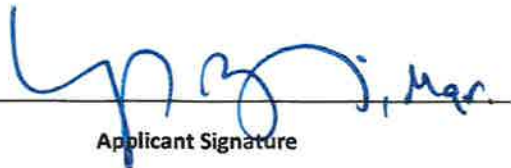
January 4, 2024

Describe, by list, specific changes you are requesting to do to your property. Include the types of materials to be used, as well as dimensions. A site plan must be provided for additions to buildings, new construction (including garages, sheds, other accessory buildings), fences and site work (including driveways, parking areas and other improvements). The site plan must show setbacks of the proposed new work items from property lines. Attach additional pages as necessary.

- 1) We are requesting to add an attached Carport addition with driveway to the West side of our Residence. We have sourced matching materials in every case. There are no added windows.
- 2) Rock Face 8x8x16 CMU Block will match existing columns.
- 3) S4S wood, painted and configured to match existing for beams, soffit, fascia and misc. trim.
- 4) Storage Closets under the Carport will be clad with 6" Novelty siding to exactly match the existing frame wall portions of the residence. The doors are simple Flush F.G. material that will exactly match the existing door to the house, less the glass panel.
- 5) Added paving will be broom finish concrete.
- 6) Roof Panels are Classic Rib steel with a Galvalume finish that will exactly match the existing roof (initially the new finish will stand out but we expect it to weather to blend relatively quickly)

**Required additional materials for submission:**

- ☒ Completed and signed COA application
- ☒ Detailed drawings and specifications for all new materials – windows, doors, siding, roofing materials, fencing etc.
- ☒ Site plan
- ☒ Copy of property deed or proof of ownership
- ☒ Authorization letter for non-property owner representative\*
- ☒ For New Construction: a set of building plans, no larger than 11 x 17, for structural changes or new construction. This includes all four elevations with drawn to scale dimensions. \*
- ☐ Please list any additional attachments:



Applicant Signature

11/28/2023

Date

City of Ocala Application for Certificate of Appropriateness  
Form revised: January 2023



**APPROVED**

***By Breah Miller at 9:36 am, Jan 08, 2024***

City of Ocala Code of Ordinances, Ocala Historic Preservation Advisory Board  
Attn: B. Miller

Please accept this letter as authorization for Pat "Toby" Kelley of Pat Kelley Builder, Inc. to act as my Additional Meeting Representative for the OHPAB Meeting regarding the property located at 122 SE Wenona Ave.

  
\_\_\_\_\_

Myron Bowlin, Mgr. - 4 Sisters Land Holdings LLC

**APPROVED**

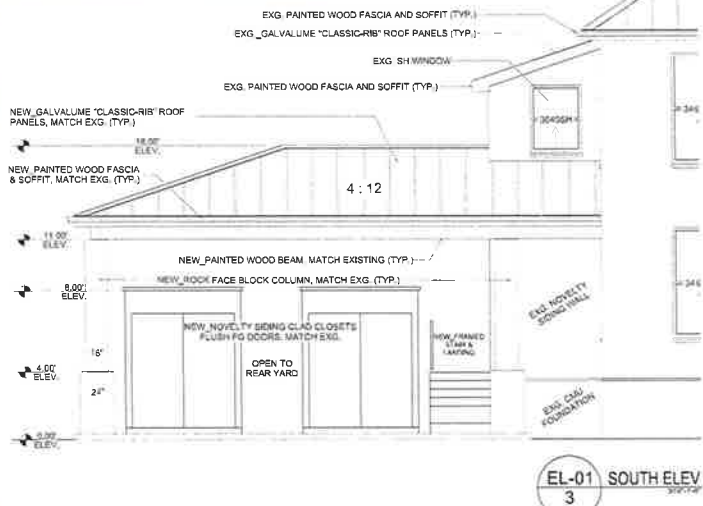
By Breah Miller at 9:36 am, Jan 08, 2024



PROPOSED ADDITION LOCATION - S. ELEVATION



TYPICAL EXG. ROCK  
FACE BLOCK COLUMN,  
BEAM, SOFFIT TO  
MATCH



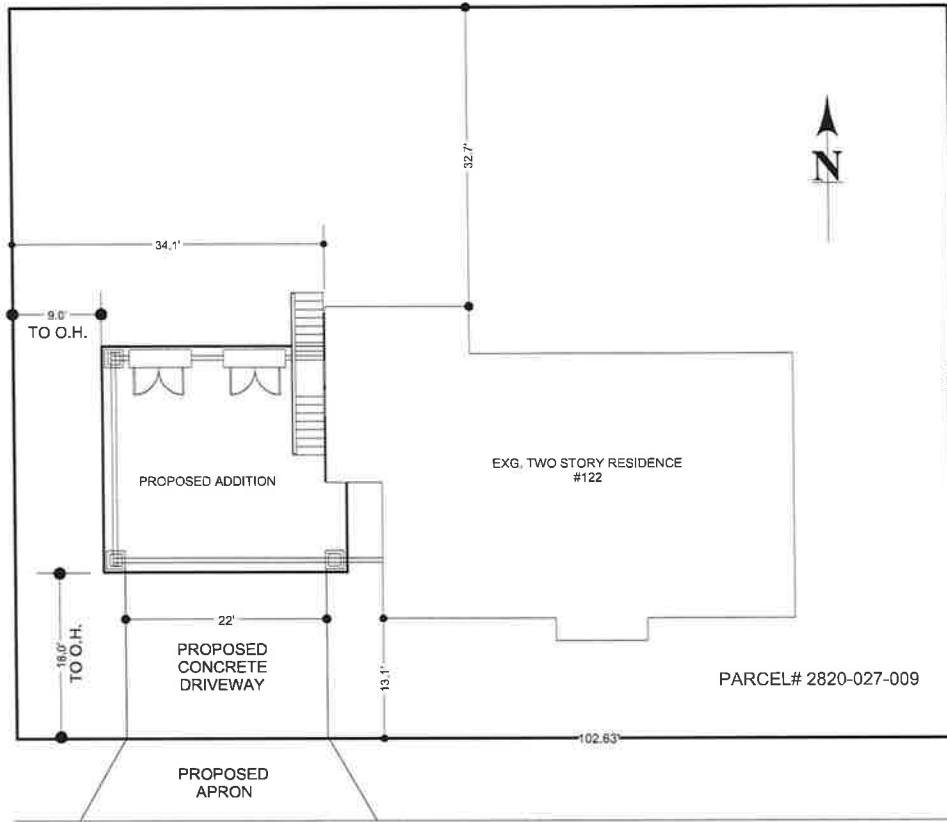
PROJECT NUMBER CG0057346	
PAT KELLEY BUILDER, INC. 8095 NW 120th Street Reddick, FL 32686 PHONE: 352.338.8888 WWW.GATEWAYBUILDER.COM	
KELLEY BUILDER, INC. GENERAL CONTRACTORS	
MYRON & CINDY BOWLIN 4 SISTERS LAND HOLDINGS, LLC 122 SE WENONA AVE. OCALA, FL 34471	
DATE 11/09/2023	
SCALE AS SHOWN	

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**APPROVED**

*By Breah Miller at 9:36 am, Jan 08, 2024*

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SOUTHEAST 2ND STREET

SOUTHEAST WENONA AVE

SP-01 SITE PLAN  
1

LICENSE NUMBER:  
CGC057346

PAT KELLEY BUILDER, INC.  
8988 NW 12th Street  
Reddick, FL 32686  
PHONE: 888.209.8818  
WWW: PATKELLEYBUILDER.COM

**KELLEY**  
**BUILDER, INC.**  
GENERAL CONTRACTORS

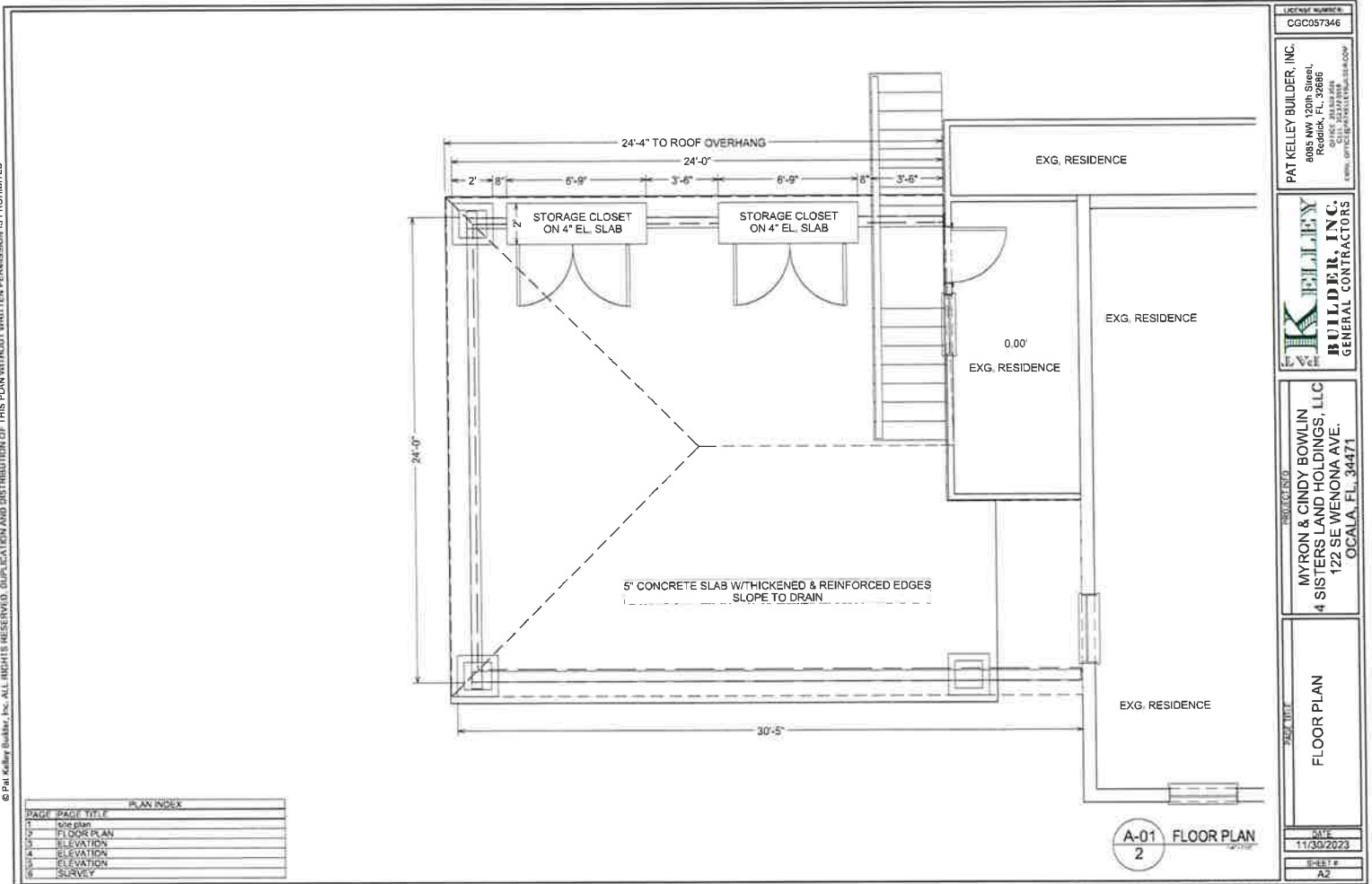
PROJECTED  
MYRON & CINDY BOWLIN  
SISTERS LAND HOLDINGS, LLC  
122 SE WENONA AVE.  
OCALA, FL 34471

PAGE TITLE  
SITE PLAN

DATE  
11/30/2023  
SCALE  
AS SHOWN

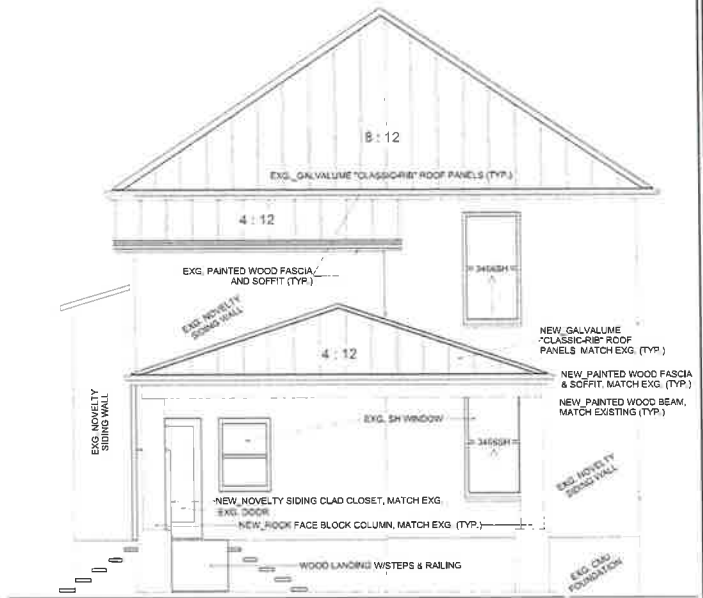
**APPROVED**

By Breah Miller at 9:36 am, Jan 08, 2024



**APPROVED**  
By Breah Miller at 9:36 am, Jan 08, 2024

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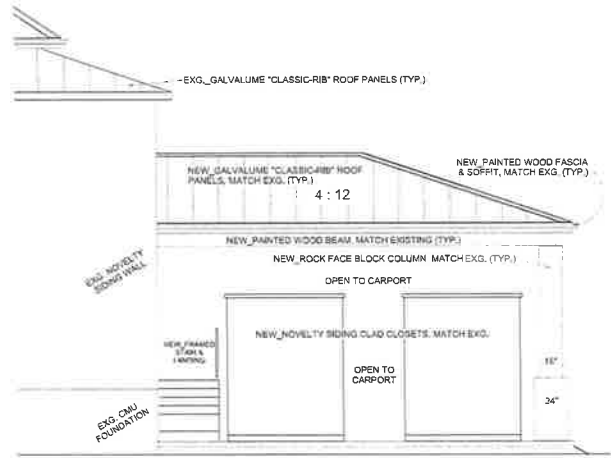
EL-02 WEST ELEV  
4

PROJECT INFO	
PAT KELLEY BUILDER, INC. 8055 NW 120th Street Reddick, FL 32886 PHONE: 352.888.8888 WWW.PATKELLEYBUILDER.COM	
PROJECTED BY MYRON & CINDY BOWLIN 4 SISTERS LAND HOLDINGS, LLC 122 SE WENONA AVE. OCALA, FL 34471	
DRAWN BY ELEVATION	
DATE	11/30/2023
SHEET #	A4



**APPROVED**

By Breah Miller at 9:37 am, Jan 08, 2024



EL-03 NORTH ELEV  
5

CGC057346

PAT KELLEY BUILDER, INC.  
9095 NW 12th Street,  
Fort Lauderdale,  
FL 33304  
OFFICE: 954.562.8884  
EMAIL: GK@KELLEYBUILDER.COM

**KELLEY**  
BUILDER, INC.  
GENERAL CONTRACTORS

MYRON & CINDY BOWLIN  
4 SISTERS LAND HOLDINGS, LLC  
122 SE WENONA AVE.  
OCALA, FL 34471

ELEVATION

DATE  
11/30/2023  
SHEET #  
A5

***By Breah Miller at 9:37 am, Jan 08, 2024***



**APPROVED**

**By Breah Miller at 9:37 am, Jan 08, 2024**

Prepared by and return to:

Camilo Espinosa  
LGI Title Services  
40 SW 13th Street  
Suite 102  
Miami, FL 33130  
(786) 453-8222  
File No 06-13-708

Parcel Identification No 2820-027-009

[Space Above This Line For Recording Data]

## **WARRANTY DEED**

(STATUTORY FORM – SECTION 689.02, F.S.)

**This indenture made the 19th day of July, 2023 between Vision 2022 LLC, a Florida Limited Liability Company, whose post office address is 6272 Abbott Station Drive, Zephyrhills, FL 33542, of the County of Pasco, State of Florida, Grantor, to 4 Sister Land Holdings LLC, a Florida Limited Liability Company, whose post office address is P.O. Box 54, Candler, FL 32111, of the County of Marion, State of Florida, Grantee:**

**Witnesseth**, that said Grantor, for and in consideration of the sum of TEN DOLLARS (U.S.\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Marion, Florida, to-wit:

The South 80 feet of the East 102 feet 7 1/2 inches of Lot 27, CALDWELL'S ADDITION TO OCALA, as per plat thereof recorded in Plat Book E, Page 4, of the Public Records of Marion County, Florida.

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

**Subject to** taxes for 2023 and subsequent years, not yet due and payable; covenants, restrictions, easements, reservations and limitations of record, if any.

**TO HAVE AND TO HOLD** the same in fee simple forever.

**And** Grantor hereby covenant with the Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor have good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.



**APPROVED**

**By Breah Miller at 9:37 am, Jan 08, 2024**

In Witness Whereof, Grantor have hereunto set Grantor's hand and seal the day and year first above written.

*Signed, sealed and delivered in our presence:*

WITNESS

PRINT NAME: \_\_\_\_\_

WITNESS

PRINT NAME: Jorge Diaz

Vision 2022 LLC, a Florida Limited Liability Company

By: Luisa Davila

Luisa Fernanda Davila, Member

By: Isabella Maturana

Isabella Maturana, Manager

STATE OF FLORIDA

COUNTY OF ~~MIAMI DADE~~ Pasco

The foregoing instrument was acknowledged before me by means of (✓) physical presence or ( ) online notarization this 19th day of July, 2023 by Luisa Fernanda Davila, Member of Vision 2022 LLC and Isabella Maturana, Manager of Vision 2022 LLC, a FL Limited Liability Company, on behalf of the Limited Liability Company.

Erika B  
Signature of Notary Public

Print, Type/Stamp Name of Notary



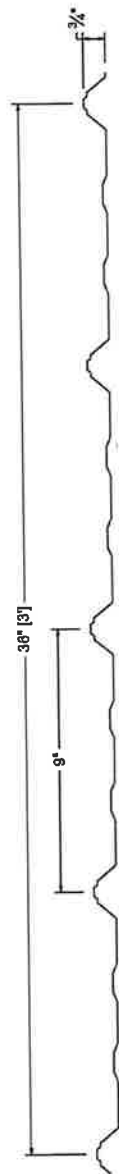
Personally known: \_\_\_\_\_

OR Produced Identification: A Drivers License and Colombian Passport

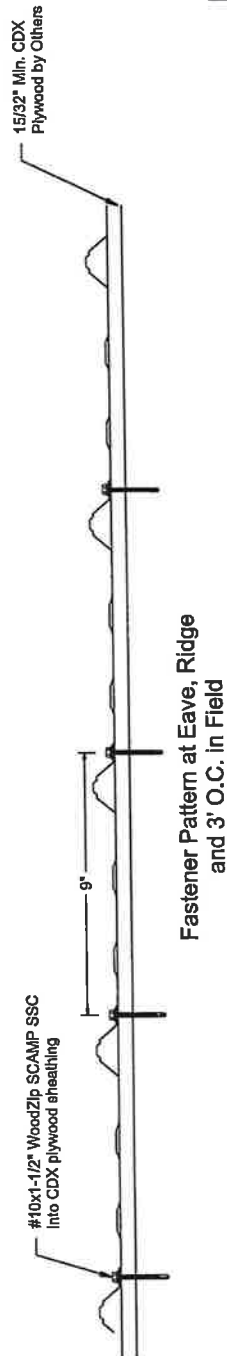
Type of Identification Produced: \_\_\_\_\_

**APPROVED**  
By Breah Miller at 9:37 am, Jan 08, 2024

SOUTH RIB 26 AND 29 GA. GRADE 80 STEEL NON-STRUCTURAL OVER 15/32" CDX PLYWOOD



South Rib Profile



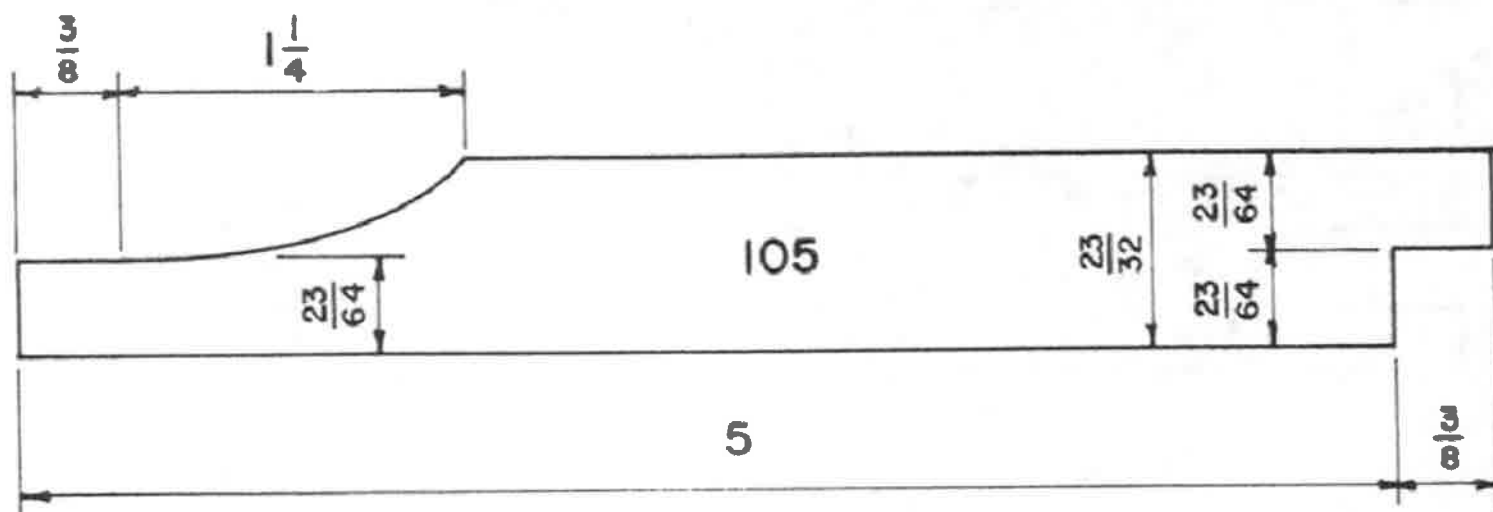
10/16/2018  
Lucas A. Turner, P.E.  
FL PE #58201  
2428 Old Natchez Trc  
Trl, Camden, TN 38320  
Ph. 941-380-1574

DEEP SOUTH METALS, LLC 106 MASTERS RD, EAST PALATKA, FL 32131	
DATE DRAWN	10/16/2018
SCALE	NTS
REV	0
SHT	1 OF 1

**APPROVED**

By Breah Miller at 9:37 am, Jan 08, 2024

**STANDARD PATTERNS OF DROP SIDING — Continued**  
(Orders should specify pattern numbers.)





**Applicant:** 4 Sister Land Holdings, LLC  
**Property Owner:** 4 Sister Land Holdings, LLC  
**Agent:** Toby Kelly  
**Project Planner:** Breah Miller, Planner II  
**Request:** Addition of a carport to the southwestern corner of home, using similar construction material, and addition of a new driveway to the southwestern corner of property.

**Parcel Information**

**Location:** 122 SE Wenona Avenue  
**Acres:** +/- 0.19 acres  
**Parcel #:** 2820-027-009  
**Land Use:** Neighborhood  
**Zoning:** R-3, Multi-Family Residential  
**Existing Use:** Single-Family Residence

**Background:**

The existing home, known as the W. L. Clark House, was built in 1912 with a frame Victorian influenced building style. The home is a contributing building in the Ocala Historic District.

The applicant is requesting to add a twenty-four (24) foot by thirty-foot, five-inch (30'5") carport, as well as a twenty-two (22) foot by eighteen (18) foot driveway. The proposed carport will have rock faced CMU Black columns to match the existing columns on the home. All other features of the carport will be constructed using S4S wood to match the existing beams, soffits, fascia, and trim of the home. The carport will have two visible storage closets on the northern side of carport, which will be clad with six (6) inch Novelty siding to match the home. The doors on the storage closets will have a Flush F.G. material which match doors on existing home. The proposed roofing on the carport is Classic Rib steel with a Galvalume finish. The proposed driveway will be broom finished concrete.

Should the addition be approved by the Ocala Historic Preservation Advisory Board, the applicant will need to apply for a variance through the Board of Adjustment for a rear setback reduction of twenty-five (25) feet to nine (9) feet.

This request requires a Certificate of Appropriateness be granted by the Ocala Historic Preservation Board. *The Board's decisions will be based on the Secretary of the Interior's Standards, the City's Historic Preservation Design Guidelines, this chapter, and the following criteria pursuant to the City of Ocala Code of Ordinances, Chapter 94, Article III, Division 1, Section 94-82(g):*

1. Exterior alterations shall not diminish the architectural quality or historical character of the building or the building site.
2. Sandblasting of any materials except for iron is prohibited.

3. Only through very controlled conditions can most historic building material be abrasively cleaned of soil or paint without measurable damage to the surface or profile of the substrate. Decisions regarding the proper cleaning process for historic structures can be made only after careful analysis of the building fabric, and testing. Generally, wet abrasive cleaning of a historic structure should be conducted within the range of 20 to 100 psi at a range of three to 12 inches.
4. Landscaping, signs, parking and site development should be sensitive to the individual building and should be visually compatible with the buildings and environment with which they are visually related.
5. New construction shall be visually compatible with the buildings and environment with which the new construction is visually related. When an application involves new construction, the applicant may present conceptual plans to the board for review and comment before the application for a certificate of appropriateness is submitted and before construction drawings of the project are prepared. Aspects to be considered include:
  - a. The height, volume, proportion between width and height of the facades, the proportions and relationship between doors and windows, the rhythm of solids and voids created by openings in the facades, the materials used in the facades, the texture inherent in the facades, the colors, pattern and trim used in the facades, and the design of the roof.
  - b. The existing rhythm created by existing building masses and spaces between them should be preserved.
  - c. Landscape plans should be visually compatible with the buildings and environment with which the landscaping is visually related.
  - d. Proportions of existing facades which are visually related shall be maintained when neighboring buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
  - e. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.
  - f. Accessory structures shall be compatible with the scale, shape, roof form, materials, and detailing of the main structure to protect the historic integrity of the neighborhood. The accessory structure shall not exceed the maximum height allowed by the applicable zoning or the height of the existing primary structure.

<b>Staff Recommendation: Approval of COA23-45465</b>
--

**Basis:**

The request to add a carport to the southwestern corner of home using similar construction material, and a driveway to the southwestern corner of property meets the follow criteria:

1. Ocala Historic Code: Sec. 94-82(g)(1) – Exterior alterations shall not diminish the architectural or historic character of the building or building site.

2. Ocala Historic Code: Sec. 94-82(g)(4) – Landscaping, signs, parking and site development should be sensitive to the individual building and should be visually compatible with the buildings and environment with which they are visually related.
3. The Secretary of the Interior's Standards for Rehabilitation: Additions (pg. 35) – Recommended – Designing and constructing new additions to historic buildings when required by the new use. New work should be compatible with the historic character of the district or neighborhood in terms of size, scale, design, material, color, and texture.