

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

Public Notice

Public notice for this meeting was posted January 13, 2009, at 151 SE Osceola Avenue, City Hall (2nd Floor), Ocala, Florida, 34471.

Meeting Statistics

A meeting of the Ocala Board of Adjustment was held on January 21, 2009, in the Council Chambers, Ocala City Hall. The meeting was formally opened at 5:33 p.m. with the Pledge of Allegiance led by Chairperson Williamson.

Attendance

The following members were present:

Richard Williamson, Chairperson

Frederick Rodgers

Rusty Juergens

George Carrasco, Jr.

The following members were absent:

Irene T. Hancher, excused

Joyce Johnson, excused

Planning & Development Director Tye Chighizola, Long-Term Planning and Sustainability Director Marc Mondell, Planning & Zoning Manager Mike Daniels, Code Enforcement Manager Charles Rich, Neighborhood Planner Dorothy LeBlanc, Administrative Specialist III Treva Coller, Administrative Specialist I Carol McKeever, and others interested in the items for presentation attended the meeting.

Consideration of Minutes

Minutes from December 15, 2008 were approved as submitted.

Case SE08-0005:

Petitioner: Pat Clouden, Church of Scientology

Agent: Steve Gray, PA

Request a **special exception** to allow church use in a B-3, Central Business Zone, for property located at 50 SE 1st Avenue, approximately .07 acres.

Dorothy LeBlanc presented staff response:

The property is in the downtown commercial CRA and is zoned B-3. Surrounding property is also zoned B-3 downtown, with a commercial land use. There is a Bank of America to the east; Harry's Restaurant and Cyrus Rugs are to the north; Doc of Roc and Shabby Shack are to the south; and a law office is on the west side of the property. The property is currently vacant but it was recently used as a law office. There is vehicular access to the property off of SE 1st Avenue.

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

Immediately to the north there is a parking area. There is an alley access, and four parking spaces are located behind the building. The building was constructed in 1900 and was listed on the National Register of Historic Places in June of 1999. It is a contributing structure in the Downtown Ocala Historic District and as such needs to comply with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Under the City Code of Ordinances, Section 122-644, a church or place of worship is allowed as a special exception in a B-3 zoning district. The Board of Adjustment shall prescribe a time limit as to when action shall begin or completed or both and the board is also permitted to limit the special exception to a specific owner or use.

The Ocala Historic Preservation Advisory Board (OHPAB) is charged with advising other city boards and departments on the effects of their actions on historic resources and the standards, materials and practices desirable to maintain and enhance historic buildings. OHPAB is also charged with advising individuals on the architectural and historical preservation of structures and referring individuals to The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance on historic preservation.

The applicant is requesting to use the property for a Church of Scientology. The church will not have traditional Sunday and Wednesday services; they will have meetings, classrooms and counseling services which are similar to an office use. The traffic impact would be about the same as when the law office was in operation. The proposed floor plan includes offices, a bookstore, a study area, and individual counseling rooms. Only minimal site improvements will be required and because the church will be occupying both floors, the fire department is requiring a fire escape. The fire escape will be at the rear of the building and will replace two of the rear parking spaces. The church has proposed placing a solid waste dumpster in the rear of the building, which will have minimal impact on the existing parking. Utilities in the area may affect the dumpster location. Public Works will determine if the church has chosen an appropriate location for the dumpster. The applicant meets the city's requirements for parking. The building is located in a parking exempt zone, which does not require off-street parking.

The applicant is proposing renovations to this historic structure because the building is in need of repairs. The front façade of the building and the bricks are in disrepair; awnings are missing; and the bricks on the window ledges are badly deteriorated. Drawings of proposed renovations were submitted, and staff conveyed its concerns from a historical preservation perspective to the architect/designer. The drawing included the addition of an arch on the front of the building. City staff discussed the alteration with the applicant and it was agreed that an arch would not be added. Staff asked the applicant to attend an OHPAB meeting to discuss proposed alterations and the applicant agreed. Attendance at the meeting will be a condition of the approval for the special exception.

In general, the proposed church meets all the guidelines to be located in the downtown B-3 district. All code requirements have also been met.

Recommendation

Approval with the following conditions:

- Attend OHPAB meeting to determine appropriateness for all exterior rehabilitation

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

work to be done on the building. No Certificate of Appropriateness will be required, only advice on the rehabilitation work.

- The special exception shall be granted to the owner for this site and for the use of this church only.
- All aspects of the church's use shall be fully implemented and functioning as a church no later than one (1) year from the date of approval.

Discussion

Mr. Carrasco asked why Staff wants the applicant to attend an OHPAB meeting if a Certificate of Appropriateness (CA) isn't required.

Ms. LeBlanc responded that the building is a contributing structure in a nationally registered district. And, one of OHPAB's duties is to advise individuals on the architectural and historical preservation of structures, and to refer them to The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Mr. Carrasco suggested that it serves no purpose for the applicant to go before OHPAB because OHPAB has no jurisdiction over the applicant. Ms. LeBlanc explained that the applicant's proposed alteration seemed reasonable based on trying to match an adjacent building, but from a preservation perspective it is not an appropriate alteration to the building. Staff wants the applicant to go because they are unfamiliar with the standards of preservation for a historic building and OHPAB can give them input and recommendations on appropriate interior and exterior renovations and restoration of the bricks and the window seals.

Mr. Carrasco and Ms. LeBlanc agreed that the applicant cannot be forced to make any changes to the building.

Mr. Williamson asked if anyone oversees alterations made to buildings listed on the National Register to make sure they adhere to preservation guidelines. Ms. LeBlanc responded that a property owner can alter a building anyway her/she wants to even though its listed on the National Register. If the building is significantly altered, a petition can be submitted to have the building removed from the register because it is no longer a contributing structure. The building can be removed from the register with the historic district remaining on the National Register. If a certain number of contributing structures within a district are lost, the district can be removed from the National Register.

Mr. Williamson remarked that the building is not located in what is thought of as a historic district but OHPAB does oversee the district. Ms. LeBlanc confirmed that it does. She said the West Ocala and the Downtown Historic Districts are nationally designated and the Ocala and Tusawilla Park Historic Districts are locally designated.

Mr. Carrasco asked for background information regarding the fire escape. Ms. LeBlanc replied that the fire department required a fire escape because of a fire safety code issue. Mr. Chighizola interjected that a fire escape is required because the use changed from a professional office to a church.

Mr. Carrasco asked if the church could share with other businesses an existing dumpster that is already located in the alley. Ms. LeBlanc stated that the church proposed the dumpster and its

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

location. Mr. Carrasco commented that they may not have been aware that a dumpster could be shared.

Mr. Carrasco asked what the size requirement is for the fire escape exit. Mr. Williamson responded that the size of the staircase is a building code issue and not a function of the Board of Adjustment.

Steve Gray, PA, agent, 121 NE 1st Avenue, Ocala, Florida, 34470, came forward. He stated that the building was previously used for a law office and has approximately 2200 square feet per floor area. The Church of Scientology is very similar to the Christian Science Reading which was previously located across the corner of the parking lot many years ago. The applicants are aware of the various historic district issues and have agreed voluntarily to go to OHPAB for guidance and suggestions regarding rehabilitation of the building. He commented that the plans are very nice and will improve the building. There will be four full-time employees. The property is exempt from parking code requirements. Extra parking for customers or business operations can be leased when needed. There are already a number of churches in the downtown B-3 districts, including two large churches, Mt Moriah and Mt Zion, which operate with special exceptions. The applicant satisfies all the requirements for a special exception.

Mr. Carrasco stated that according to Public Works comments, the applicant does not have to have a dumpster; a dumpster can be shared with businesses in the area.

Mr. Chris Baumgartner, 6710 Melrose Avenue, Los Angeles, California, 90038, came forward and was sworn in. He stated that Scientology services are mostly conducted in a class room setting. Couples or individuals will come in to: improve their marriage; improve their communication skills; learn how to study better; or learn about finances. These types of things are done in a class room setting. The church also conducts personal counseling. The church will not have large congregations like a traditional church. The hours of operation are usually from 10 am to 10 pm, Monday through Friday and 10 am to 6 pm on Saturday and Sunday. The top overhead alteration will not be completed as initially proposed. A sign will be placed on the front exterior wall. A class room setting will be toward the front of the building with a counseling room and a reception room with signs describing and explaining Scientology. A proposed floor plan has been submitted but it has not been finalized. The floor plan shows the class room, a film room, the registration area, and the bathrooms. It is very much like an office setting and similar to the current set up. Mr. Baumgartner had pictures of the proposed Ocala church and the Scientology churches in St. Petersburg and Plant City, which are both open. He said the same floor plan is used for most locations.

Mr. Carrasco requested Mr. Baumgartner show the pictures on the overhead projector for public viewing as this might help answer questions about the church. Mr. Baumgartner complied and started by showing a picture of the front exterior of the proposed Ocala church. Mr. Williamson commented that the signage exceeds the square footage requirement allowed in the B-3 zone. Mr. Daniels stated that the signage meets the requirements for the B-3 zone.

Mr. Baumgartner showed the rest of the photos for the proposed Ocala church which included the counseling room, reception area, and floor plan. He also showed pictures of the class room, reception area, and floor plans for the Scientology churches in St. Petersburg and Plant City. Both the Plant City and St Petersburg buildings underwent complete interior and exterior restorations.

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

Mr. Juergens stated that he received two phone calls regarding the outreach programs and that he is pretty comfortable with what the church is doing, based on their floor plan, the income level, and programs. Clients will not include the homeless person sitting on the square. Mr. Baumgartner concurred, noting that they do have programs for the homeless. Mr. Carrasco stated that he would like to know about the available programs for the homeless. Mr. Baumgartner responded that they do not have programs for the homeless at this location, and do not plan to have any in the future.

Mr. Juergens stated that he did not have concerns based on his knowledge of the programs, but wanted it on the record because of the phone calls he received.

Mr. Williamson inquired about member recruitment and advertising. Mr. Baumgartner responded that members are mostly recruited by word of mouth because there are usually a lot of Scientologists living in the area. Advertising is done at different events such as Light Up Ocala, book selling events and cultural arts seminars.

Mr. Carrasco asked if the church was aware that there isn't a 500-foot buffer requirement between alcoholic sales and churches in the B-3 zone. He suggested that next month there could be a bar where the Doc of Rock is currently located and the church would not be able to do anything about it. Mr. Baumgartner replied that he was not aware of the requirement, but didn't have an issue with there not being a buffer requirement.

Mr. Albert Peek, 16 SE Broadway Street, Ocala, Florida, 34471, came forward and was sworn in. He stated that his concerns about the church were settled after he met with Mr. Baumgartner and learned about the church's programming. The renovation of the building is going to be beneficial for the downtown. He remarked that it is good that the church will receive input from OHPAB. He said the proposed design is good and didn't think that OHPAB would suggest anything better than what is being proposed. He commented that if the programming is restricted to what was presented tonight, the church will be an asset to the downtown businesses.

Ms. Cynthia Rose, 1115 NE 4th Street, Ocala, Florida, 34470, came forward and was sworn in. She said she had two issues to address. The first is that the board was not aware that her building at 56 SE 1st Avenue has six residential apartments upstairs. Secondly, she agrees with Mr. Carrasco about the applicants sharing a dumpster because the area in which they are proposing to locate another dumpster would be directly under the window of one her tenants. She also said she wanted to make sure that everyone would get along and that the alleyway won't be blocked.

Mr. Williamson stated that her concern with the dumpster was addressed because the applicant will share an existing dumpster. Mr. Williamson asked Ms. Rose if she perceives the church as being detrimental to the welfare of her tenants. Ms. Rose responded that she did not think so since it was only open till 10 pm and as long as there is nothing terribly noisy. Mr. Williamson commented that once the church has moved into the building, it is most likely no one will notice it just like other businesses.

Mr. Marc Mondell, 151 SE Osceola Avenue, Ocala, Florida, 34471, came forward and was sworn in. He stated that he works for the City of Ocala, Long Range Planning and Sustainability Office. There is great merit to what the church is doing in terms of renovating the building. He would like to know what brings the Church of Scientology to Ocala now and what is their outlook?

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

Ms. Pat Harney, 503 Cleveland Street, Clearwater, FL, 33755, came forward and was sworn in. She stated that she is the Public Affairs Director for the Church of Scientology in Clearwater, Florida and that she has been in the area since 1997. She had the occasion to work on both the St. Petersburg and Plant City churches. The Church of Scientology has been in the Tampa Bay region since 1975. There are a couple of missions in Clearwater and throughout the area. The church has parishioners all over the area. There is a lot of interest in Scientology in Ocala so the church wanted to provide a facility for people to come in and obtain correct information about Scientology. The interactive displays provide a way for people to have their questions answered at their own pace and in a relaxed atmosphere. She said these are the main reasons why the church is coming to Ocala.

Mr. Mark DeBolt, 46 SW 1st Avenue, Ocala, Florida, 34471, came forward and was sworn in. He stated that he was glad to see the building being renovated and was just curious as to why they chose to put the church downtown. Mr. Chris Baumgartner came forward and stated that the church looked at a lot of different buildings in the area before choosing the downtown location. The church selected the downtown building because it is beautiful. Restoring buildings back to their original state is something the church likes to do, and the price was right.

Mr. Williamson asked if the church is purchasing the building and if they'll be sensitive to the National Register status and the historic value of the building. He asked if it will adhere to The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and keep in mind the advice it receives from OHPAB. Mr. Williamson commented that he is optimistic that the church will renovate and produce a very nice looking building. Mr. Baumgartner concurred that the church will be buying the building and that it will be sensitive to the historic value of the property, the guidelines and the advice received from OHPAB.

Mr. Williamson commented that he lives in the downtown area and would like to see a lot more historic preservation in the area. There is a lot of potential and he looks forward to seeing a nice beautiful downtown building.

Mr. Baumgartner noted that the church plans to move in as soon as possible. Mr. Williamson asked if the building requires a significant amount of interior renovations. Mr. Baumgartner said that it does.

Mr. Carrasco made a motion to approve the special exception with the following conditions: allow the church to share a dumpster that is already on site and that it be 100% optional to go to OHPAB for advice.

Motion did not receive a second and was withdrawn by Mr. Carrasco for further discussion by the board members.

Mr. Juergens stated that he would like to stay with the recommendations of staff because OHPAB oversees historic preservation for the City. It will be useful information for the church to know and there is probably a good reason that staff recommended the church go to the board. This board is not approving the plans that were discussed tonight. Mr. Williamson pointed out that the church is not obligated to use the designs submitted for today's presentation because they have to submit their plans to the building department. Mr. Williamson asked the applicant if there is a problem with going to OHPAB. Mr. Baumgartner said there is not. Mr. Carrasco stated that because the church does not have a problem with going to OHPAB is why he wants it to be 100% voluntary. He does not want to make it a condition because it sets a bad precedence.

OCALA BOARD OF ADJUSTMENT MINUTES

January 21, 2009

Mr. Williamson stated that every case that comes before this board stands on it's on own merits and nothing that happens before or after affects his judgment of the next case.

Mr. Carrasco said that he doesn't know what grounds the Board of Adjustment has to make an applicant go to OHPAB. Ms. LeBlanc pointed out that OHPAB has a duty to advise individuals on any property over 45 years old regardless of national register status or local designation. Mr. Carrasco stated that the person does not have a duty to follow that advice. Ms. LeBlanc responded that he was correct, but in this case there is a special exception. Mr. Williamson stated that the conditions of the special exception can be set by the board.

Mr. Juergens made a motion to approve the special exception with the following conditions: (1) Attend OHPAB meeting to determine appropriateness for all exterior rehabilitation work to be done on the building. No Certificate of Appropriateness will be required only advice on the rehabilitation work; (2) The special exception shall be granted to the owner for this site and for the use of this church only; and (3) All aspects of the church's use shall be fully implemented and functioning as a church no later than one (1) year from the date of approval. Mr. Rogers second the motion, which passed with a unanimous vote.

Case PHR08-0013:

Petitioner: John Driscoll

Request an **appeal from the decision of the building official** for denial of a sign permit, for property located at 825 SE 3RD Avenue, approximately .43 acres.

Tye Chighizola presented response:

At the last meeting this case was tabled for 30 days with the condition that staff meet with Mr. Driscoll. Mr. Chighizola said he met with Mr. Driscoll on January 9, 2009 and reviewed all the options regarding moving the sign. Mr. Driscoll and the adjacent business, Advanced Medical Network did agree to construct and install one freestanding 18 square foot sign and remove the two existing freestanding signs, but they need 90 days to complete the work

Recommendation

It is recommended that this case be tabled until the April 20, 2009 meeting to allow the work to be completed. If Mr. Driscoll is not in compliance by that time, then the board can deny the appeal or make another decision.

Discussion

Mr. Carrasco made a motion to table the case for 90 days, the motion was second by Mr. Juergens, and was unanimously approved.

Adjournment

There being no further business, the meeting was adjourned at 6:26 p.m.