

**OCALA BOARD OF ADJUSTMENT MINUTES**  
**Monday, March 16, 2009**

**Public Notice**

Public notice for this meeting was posted March 10, 2009, at 151 SE Osceola Avenue, City Hall (2<sup>nd</sup> Floor), Ocala, Florida, 34471.

**Meeting Statistics**

A meeting of the Ocala Board of Adjustment was held on Monday, March 16, 2009, in the City Council Chambers, Ocala City Hall, Second floor. The meeting was formally opened at 5:30 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.  
Thomas Dobbins  
Joyce Johnson – arrived late

The following member was absent:

Irene T. Hancher, excused

Planning and Zoning Manager Mike Daniels, Neighborhood Planner Dorothy LeBlanc, Administrative Specialist I Carol McKeever, and others interested in the items for presentation attended the meeting.

**Consideration of Minutes**

Minutes from the January 21, 2009 meeting were approved as submitted.

**Tabled/ VAR09-0001:**

Petitioner: Todd Scudder  
Agent: Steve Gray, PA

Request a **variance** to reduce the east side yard set back from 8' to 1' and the west side yard set back from 8' to 9.5 inches, in a R-1, Low Density Residential, for property located at 1213 SE 3<sup>rd</sup> Street, approximately 0.37 acres.

**Discussion**

Ms. LeBlanc stated that the applicant requested the case be tabled because they have some storm water issues to work out on the property. Mr. Williamson asked what the stormwater issues are. Ms. LeBlanc stated that on the east side of the property, a concrete pad and buildings are

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preventing the stormwater from running east to west so it will not drain off the property. Another issue is that the shed roof extends out so that the rain runs onto the adjacent property. Both of these issues are still being investigated with Stormwater and Engineering. Therefore, the applicant would like this case tabled so this can be resolved.

There are also some other issues with this case including the fact that OHPAB's recommendation for approval was contingent upon Mr. Scudder having a signed encroachment agreement from the property owner to the west. There is no signed agreement yet so at this point they do not have an OHPAB approval. Mr. Williamson asked if the board's purpose was to grant a variance after the fact. Ms. LeBlanc replied yes. Mr. Daniels stated that the existing addition was built without approval and was not inspected. The owner initially said the west side setback was 2 feet but after a site visit it was discovered that the set back is only 9.5 inches from the property line. Ms. LeBlanc stated OHPAB's approval was for the aesthetic appearance of the building. Mr. Williamson declared this case should not have come to the board because the owner violated the City's building codes by not getting a permit. Ms. LeBlanc explained that years ago the owner received approval from OHPAB to build a master bedroom addition, however he did not pull a permit at that time. The owner waited two years; then took the OHPAB approved master bedroom addition plans along with the stamped "reviewed" screened-in porch extension plans to the building department and pulled a permit for a master bedroom addition. The screened-in porch extension was not approved on the permit. The Planning and Building Departments do not have a copy of the screened-in porch site plans but the owner has an approved plan for the porch. The screened-in porch was never permitted and there is conflicting information as to whether or not it was ever inspected; it was not built according to the plans provided by the applicant. The owner is asking for a variance to keep the shed and the screened-in porch.

Mr. Dobbins made a motion to table the case for 30 days; the motion was seconded by Ms. Johnson, and was unanimously approved.

**Meeting Adjourned**

The meeting was adjourned at 5:51 p.m.