

OCALA BOARD OF ADJUSTMENT MINUTES
Monday, April 20, 2009

Public Notice

Public notice for this meeting was posted April 3, 2009, at 151 SE Osceola Avenue, City Hall, Second Floor, Ocala, Florida, 34471.

Meeting Statistics

The regularly scheduled meeting of the Ocala Board of Adjustment was held on Monday, April 20, 2009, in the Council Chambers at Ocala City Hall.

Attendance

The following members were present:

Richard Williamson, Chairperson
Frederick Rodgers
Rusty Juergens
George Carrasco, Jr.
Thomas Dobbins
Joyce Johnson

The following member was absent:

Irene T. Hancher, excused

Planning and Development Director Tye Chighizola, Chief Planning Official Peter Lee, 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.

Chairperson Williamson called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Consideration of Minutes

Minutes from the March 16, 2009 meeting were approved as submitted.

Withdrawn/PHR08-0013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.

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Tye Chighizola was sworn and presented staff comments:

The case was tabled for 90 days in order to give the applicant time to take down his sign which he has done as of today and he is in compliance. Mr. Driscoll and the adjacent business have agreed to construct and install one sign. Since the case was tabled, the BOA needs to make a motion to deny the appeal, for the record.

Discussion

Mr. Williamson stated that the purpose of the denial is to confirm that the code determination of the building official was correct and since the applicant has removed the sign, there is no longer a violation.

Mr. Driscoll, 1805 SE 31st Lane, the applicant, was sworn and addressed the board. He said he removed the sign earlier today and is currently working on another plan for a sign with the neighboring business owner. He wanted to know if there are problems with certain signs being vandalized in the area because the neighboring business owner believes that the homeless people will vandalize the sign.

Mr. Williamson responded that the board has no knowledge of sign vandalism in the area; the board's decision today will be to uphold the decision of the building official. Mr. Carrasco asked if the applicant wanted to withdraw his case. Mr. Driscoll stated that he would prefer to withdraw the case. Mr. Carrasco said it was his understanding that at the BOA meeting on January 21, 2009 the board and Mr. Driscoll agreed that the board would grant him 90 days to remove the sign and in return he would withdraw his case. Mr. Williamson asked the applicant if he was withdrawing his challenge to the building official's decision. Mr. Driscoll replied that he wanted to withdraw his case.

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 3rd Street, approximately 0.37 acres.

Dorothy LeBlanc was sworn and presented staff comments:

The applicant has requested that the case be tabled for 30 days because the encroachment agreement has still not been worked out; it will most likely take another 10 days to be completed and signed.

Recommendation

Staff recommends that the case be tabled for 30 days and if the agreement is not completed by

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that time, then the case should proceed without the encroachment agreement and OHPAB approval.

Discussion

Mr. Steve Gray, 125 NE 1st Avenue, Suite 1, the agent, addressed the board. He said that on behalf of the applicant, he is working on an encroachment agreement with the Martha Collins Trust which involves more than just Chuck Collins. Mr. Shep Dozier is representing Mr. Collins, and he and Mr. Dozier are pretty close to finishing the agreement. Mr. Gray remarked that if the encroachment agreement is not finished by the next BOA meeting then it won't ever be finished. The applicant is requesting that the case be tabled for 30 days.

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

Meeting Adjourned

The meeting was adjourned at 5:42 p.m.