



Ocala Board of Adjustment Minutes

201 SE 3rd Street, 2nd Floor
Ocala, FL 34471
www.ocalafl.org

Monday, June 17, 2019

Regular Meeting

1. Call to Order

a. Invocation/Pledge

b. Roll Call for Determination of a Quorum

The Ocala Board of Adjustment held a meeting in the City Council Chambers, City Hall, 110 SE Watula Avenue, Second Floor – on Monday, June 17, 2019 at 5:30 pm.

Attendee Name	Title	Status	Arrived
Joyce Johnson	Chairman	Present	
George Carrasco Jr.		Present	
R. William Futch		Present	
James Hartley		Present	
Rusty Juergens		Present	
Dustin Magamoll		Present	
Richard Williamson		Present	

Others Present: Planning and Zoning Manager Patricia Hitchcock; Senior Planner Nancy Smith; Redevelopment Analyst/Planner I Ian Rynex; and Office Administrator Peggy Cash.

2. **Public Notice** – It was acknowledged that a Public Meeting Notice for this meeting was posted at City Hall (110 SE Watula Ave, Ocala, Florida, 34471) and published in the Ocala Star Banner on May 31, 2019.

3. Consideration of Minutes – April 15, 2019

RESULT:	Approved
MOVER:	Rusty Juergens
SECONDER:	R. William Futch
AYES:	Juergens, Futch, Carrasco, Hartley, Magamoll, Williamson, Johnson

4. Board of Adjustment Cases

a. **Approved Case SE19-0003** a request for a Special Exception to allow a recreation facility in a M-1, Light Industrial zone, for property located at 1600 SW 17th Avenue, approximately .74 acres.

Petitioner: NS Fitness, LLC; Agent: Steven T. Preston
Planner: Nancy Smith

Ms. Smith showed various photos and maps of the property while presenting staff comments and the following findings of fact [included in a staff report provided to Board members]:

Background:

The proposed indoor recreation facility is in a 15,000 square foot building at 1600 SW 17th Avenue. A special exception was granted to Cole Pope in February 2014 for a cross-fit gym in this location. The facility was granted with conditions that the recreation facility, indoor (cross-fit training facility) be granted

- 1) only to the applicant;
- 2) if the parking lot is re-striped per an approved striping plan;
- 3) contingent upon maintaining the cross-parking agreement; and
- 4) that the applicant provide evidence showing how the trash would be collected at the site.

That special exception was closed in February 2018 with a change in ownership. Kevin Howard, owner of Chalk'd, LLC, applied for a special exception at this location in February 2018. This special exception was granted by the Board of Adjustment on March 19, 2018 to allow a recreation facility, indoor, with conditions that the special exception was granted only to the applicant and that a business tax receipt was to be obtained for the location within one year of the Board of Adjustment meeting.

Due to another change in business ownership, a new special exception is needed to grant permission to the current business owner.

Planning Considerations:

The applicant for this special exception is NS Fitness, LLC, with Steven T. Preston the registered agent and manager. At the time of the application, Mr. Preston stated that he wanted use of the gym in the same way as previously used, including the layout of equipment areas shown in the floor plan. Other than some issues with temporary signs in early 2015, there were no code cases or compliance issues reported for the prior two users.

Basis:

Approval of the special exception with conditions is recommended. The zoning is consistent with the Comprehensive Plan, Employment Center. The proposed indoor recreation facility (fitness center) is compatible with the surrounding area. The applicant has met the standards for approval of a special exception pursuant to Ocala Code of Ordinances Section 122-73(5).

Recommended Conditions of Approval:

1. This Special Exception shall be granted only to the applicant, Steven T. Preston, registered agent for NS Fitness, LLC, for an indoor recreation facility (cross-fit gym).
2. Obtain permit for the wall signs installed on building.
3. A business tax receipt shall be issued within 1 year of the date of approval by the Board of Adjustment or this special exception shall expire.
4. Provide a letter from the property owner or manager authorizes use of shared parking spaces on the adjacent properties under the same ownership.
5. This indoor recreation facility shall not be used for any competitions or meets.

Discussion:

Steven Preston, 5001 SW 20th Street, Apt 6102, Ocala, was sworn in. He advised that he has a letter for shared parking as required. He said he'll be using the facility exactly as it was previously used except there will be a group training perspective instead of an open gym. He said he bought the business acquiring the membership base and equipment. He was not aware that he had to apply for a special exception.

Mr. Carrasco asked Mr. Preston if he is opposed to the condition that competitions or events cannot be held at the facility. Mr. Preston said he would prefer that there not be a restriction, but if that is the only way to have the special exception, he agrees to it. Mr. Carrasco said he has a little “heartburn” with the restriction; it is expected that there would be competitions at a gym. He didn’t see how holding competitions would have a negative impact on the community. Mr. Magamoll suggested that there may be code issues relative to the structure and what its being used for, including parking. Ms. Hitchcock said the building was originally structured for light-industrial uses. If it is going to be used for competitions, there are two zoning considerations. Parking is one of the considerations and the second consideration is occupancy and how it relates to building and fire codes. Mr. Preston said the building in front of his building has a lot of parking spaces, and he could make arrangements to lease spaces.

Ms. Hitchcock suggested that competitions wouldn’t be held weekly. If a special event were wanted it could be considered through the City's special event process. She said this could be added to the condition so that Mr. Preston isn’t prevented from applying for a special event.

Mr. Juergens asked if the occupancy of the building is known. Mr. Preston believed it to be 250 or 260.

There were no public comments.

Mr. Futch suggested amending the condition and moved to approve the special exception with the five conditions as set forth with an amendment to condition no. 5 to add language “without first obtaining a special events permit from the City of Ocala.” Mr. Hartley seconded the motion.

Mr. Carrasco suggested that special events or competitions would mostly be held on the weekend when the businesses around this property aren’t open. He asked if there is a way to allow competitions with under 100 people and that if there are going to be over 100 people, it would fall into the special event category. He suggested that there are numerous meets/events associated with a gym. Ms. Hitchcock said that without talking to Building and Fire Inspectors she did not know what the threshold would be. Mr. Carrasco asked if the Board can give staff the latitude to work something out with Mr. Preston. Mr. Carrasco said he doesn’t have a problem with competitions being held as long as the applicant can work with City staff.

Mr. Williamson asked how much a special event permit is. Ms. Hitchcock said the cost is \$100.

Ms. Hitchcock said when the code was amended to allow this type of use in industrial buildings, the main issue was that there wasn't a lot of parking available. She said that staff determined that the uses would be handled as special exceptions instead of simply being allowed. Staff wanted the specific type of recreational use to be considered with existing surrounding uses that might not be appropriate for the specific recreational use, and parking also needed to be taken into consideration.

Mr. Williamson suggested that the occupancy of the building should be taken into consideration. Mr. Carrasco agreed and said that if there is an occupancy of 200 to 250 people there shouldn’t be a problem with holding a special event. Ms. Hitchcock suggested that parking may not be available for the maximum occupancy of a building. Mr. Carrasco said that if parking becomes an issue it can be handled by the landlord.

Mr. Carrasco asked that the motion be amended to allow the applicant to hold as many competitions as he wants to, some of them might just be for 20 people, and others might involve 100 people.

Mr. Hatley withdrew the second. Mr. Futch withdrew the motion.

Ms. Johnson asked if Mr. Preston can get a written agreement for parking. Mr. Preston said he has a letter for parking that includes 30 to 40 parking spaces. There is another property that has additional parking.

Mr. Futch said if the building has an occupancy of up to 200, wouldn't a competition involving less people than what the occupancy allows, be a normal use of the gym. Mr. Carrasco suggested that any event that is over the building occupancy require a special event permit from the City of Ocala.

Mr. Futch moved to approve with the conditions as set forth with condition no 5 amended to add the words "in excess of legal occupancy without first obtaining a special events permit from the City of Ocala." Mr. Hartley seconded the motion.

RESULT:	Approved
MOVER:	R. William Futch
SECONDER:	James Hartley
AYES:	Futch, Hartley, Carrasco, Juergens, Magamoll, Williamson, Johnson

- b. Approved Case VAR19-0002** a request for a variance to reduce the front yard setback from 25 feet to 10 feet for the attached garage and from 25 feet to 5 feet for the accessory structure, for property located at 1252 SE 5th Street, approximately .57 acres.

Petitioner: Ashley and Gordon Glover; Agent: Jerry Stevens

Planner: Ian Rynex

Mr. Rynex showed various photos, maps, and before and after renderings of proposed improvements, related to the variances, to the property while presenting staff comments and the following findings of fact [included in a staff report provided to Board members]:

Background:

This site is located at 1252 SE 5th Street and is a corner/end lot with frontage on SE 5th Street, SE 13th Avenue, and SE 6th St. The home is located in the Ocala Historic District. The existing residence is a two-story building totaling approximately 3,215 square feet. The original house was constructed circa 1929.

The variance is requested for the street side-yard of the property that fronts on SE 13th Ave. The lot is quite narrow relative to the width of the home. The lot is approximately 88 feet in width, while the home is 60 feet in width. The architect, Jerry Stevens, on behalf of owners Gordon and Ashley Glover, is requesting this variance to build new garage 10 feet back from the property line, and a storage building 5 feet back from the property line to the southeast of the home. The rear yard of the property is in a FEMA floodplain, which makes new construction in that location problematic. The requested setbacks are consistent with existing setbacks throughout the historic district.

The Ocala Historic District was established in 1984 and properties within the designated area were placed under the jurisdiction of the Ocala Historic Preservation Advisory Board (OHPAB). The original structure is an example of a Tudor Revival style of architecture. Because this property is located in the Ocala Historic District, this variance request was presented to the Ocala Historic Preservation Advisory Board for their recommendation of approval or denial to the Board of Adjustment. The Ocala Historic Preservation Advisory Board recommended approval of this variance (VAR19-0002) at the June 6, 2019 meeting.

This encroachment requires a variance be granted by the Board of Adjustment. As this request is for a property lying within the historic district, the applicant only needs to demonstrate that the request is not detrimental to the public interest (Sec.122-93).

Ocala Code of Ordinance information:

The City's Code of Ordinances includes the following sections which are relevant to this case:

Sec. 122-93, 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.

Sec. 122-95, the BOA may prescribe appropriate conditions and safeguards in conformity with chapter 122.

Sec. 122-97, any variance granted shall expire within six months after the date of grant, unless a building permit based upon and incorporating the variance is issued within the six-month period and construction has begun thereunder.

Sec. 122-86, the City's Code of Ordinances state that the minimum street side yard setback for the R-3 zoning district is 20 feet for all types of residential uses and non-residential/commercial uses.

Basis:

The reduction of the eastern street side yard setback from the required 20 feet to 5 and 10 feet in the R-1, Single-Family Residential, zoning district is not detrimental to the public interest.

Recommendation: Approval

Discussion:

Mr. Rynex advised that if the property was not located on a corner, the proposed additions would be on a side yard instead of a front yard, and the setback requirement would be 10 feet. The proposed variances are for the property that is adjacent to SE 13th Avenue.

Jerry Stevens, 933 SE 12th Place, Ocala, was sworn in. Mr. Stevens said the variances are being requested for design reasons. The garage might have been moved in on the property to meet the setback requirement, but it would have produced a less than stellar aesthetic result. The property basically has 3 front yards and a rear yard. It is a smaller lot than nearby lots but has a similar sized home on the property.

Gordon Glover, 1252 SE 5th Street, Ocala, was sworn in. He said that Mr. Stevens provided a good synopsis. He said he and his wife co-own the property, and they have a large family with four children; they do not have a garage.

Mr. Williamson said Mr. Stevens has done a number of projects and this is another example of a positive end result for the quality and appearance of the neighborhood.

There were no public comments.

RESULT:	Approved
MOVER:	George Carrasco
SECONDER:	R. William Futch
AYES:	Carrasco, Futch, Hartley, Juergens, Williamson, Johnson

5. Comments

6. Next Meeting: Monday July 15, 2019 at 5:30 pm

7. Adjournment

The meeting was adjourned at 6:05 pm.