



Marion County Board of County Commissioners

Growth Services ▪ Planning & Zoning

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Ocala, FL 34470
Phone: 352-438-2600
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August 12, 2024

Mr. Robert W. Batsel, Jr.
Gooding & Batsel, PLLC
1531 Southeast 36th Avenue
Ocala, Florida 34471
T: (352) 579-1290

Re: Response to Mr. Bull's proposal for new hangars (22) on PID 14105-000-00¹

Dear Mr. Batsel,

Having reviewed the updated hangar concept plan (dated 5/10/24) provided for the land identified as PID 14105-000-00 (see Enclosure 1), the information Mr. Bull provided (see Enclosure 2), the additional information we received from the FDOT regarding the original approvals of the Greystone Airport in 1980 and the runway addition in 1982 (see Enclosure 3), as well as related state statutes and court cases, I have the following determination wherein there are two paths forward with respect to the construction of new structures on the above-referenced land:

Option 1: Presuming you have evidence of commercial use(s) on or before April 7, 1994, then you can submit a request for a policy 1.20 letter (i.e., a "conformity letter" under Policy 10.1.5 in our Comprehensive Plan) for the pre-existing site operations to pursue additional hangars. If granted, it would allow for an increase in the number of hangars, but not an expansion of the type of use. This means that the site would be limited to the types of use that were authorized in 1980 and 1982 FDOT approvals, which include a runway and hangars. In the case of the hangars, since the FDOT approved 1982 site plan includes hangars as one of the uses on PID 14105-000-00, then more hangars are allowed but only on that recognized parcel. However, while the number of hangars can increase on that parcel, the proposed driveway (crossing on the neighboring parcel to the west identified as PID 14106-000-00 going to the proposed hangars) needs to be relocated because that parcel was not included in the original 1980 FDOT approval.

Option 2: If you do not have evidence of commercial use(s) as of April 7, 1994, or you intend for the proposed hangars to be for personal use, then the land development code (LDC) allows for airports by special use under Sect. 4.2.3 and the LDC would view the FDOT's 1982 authorization of the uses as functionally equivalent to a special use permit (SUP) with the improvements indicated on those plans. In this case the current

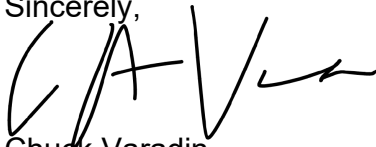
¹ This refers to the historical parcel less what has been sold.

landowner(s) are limited to exactly what was approved back in 1982, which includes three hangars and two airstrips. To expand the use beyond what was previously approved, the landowner(s) would need to apply to modify the functional SUP and comply with current regulations and any subsequent approval conditions. Additionally, regarding Sec. 4.3.22 of our LDC, since “airport” is listed as a special use in A-1, the existing use is not a non-conforming use that cannot be expanded; rather, the existing use is tantamount to a SUP, and can only be expanded by an SUP application to expand the allowable uses under the functional SUP.

Therefore, the proposed hangars may be developed on the noted property subject to pursuing either Option 1 by obtaining a policy 1.20 letter (i.e., a “letter of conformity” under Policy 10.1.5) that clearly delineates what was previously approved by the FDOT and the commercial use(s) as of April 7, 1994, or pursuing Option 2 by seeking a new SUP. (Note that Sec. 4.3.14(B) of the LDC outlines the additional materials² needed for Growth Services to determine the eligibility to obtain an approved policy 1.20 letter.) Subject to obtaining an affirmative outcome under option one or option two, the development of the hangars will still be subject to Development Review approval for an applicable Major Site Plan.

If you have any questions, please contact me at Chuck.Varadin@MarionFl.org.

Sincerely,



Chuck Varadin
Director
Growth Services

Enclosures:

1. Location map showing subject property, PID# 14105-000-00.
2. Documents sent from Mr. Bull by email on July 10, 2024, labeled “17FL Original documents.”
3. Documents sent from FDOT by email on July 17, 2024 (Two PDFs labeled “_1_SKM...9261” and “_2_SKM...9140”).
4. Hangar concept plan dated 5/10/24 labeled “PHASE 2 HANGAR SITE PLAN.”

² Section 4.3.14(B) reads, “Clear and convincing evidence proving the business to have been in existence on the specific site on or before April 7, 1994, shall be submitted to the Growth Services Director. Such evidence shall include but not be limited to copies of the following: copy of deed, occupational license, bills of sale for merchandise, invoices for services rendered, business tax returns, power company history of service in name of company, or other similar documentation.”

ENCLOSURE #1 STARTS HERE

Parcel 14105-000-00

