



Marion County

Board of Adjustment

Meeting Agenda

Monday, April 1, 2024

2:00 PM

**Growth Services Building -
Training Room**

Call to Order and Roll Call

Invocation and Pledge of Allegiance

Explanation of Procedure for Hearing Variance Requests

- 1. Acknowledgment of Proof of Publication, Mailing and Posting of Notice**
- 2. Consider the following Variance Requests**
 - 2.1.** [240301V - John C. and Laura M. Hubbard, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the SW side setbacks from 25' to 9.9' for an existing 12'x20' shed \(A\), from 25' to 23.9' for an existing 12'x20' shed \(B\) and from 25' to 9.11' for an existing 10'x10' shed \(C\), all with concrete slabs, in a General Agriculture \(A-1\) zone on Parcel Account Number 2970-003-002 addressed as 5450 SE 17th Street, Ocala, FL 34480.](#)
- 3. Other Business**
- 4. Consider the Minutes of Previous Meeting**
 - 4.1.** [March 4, 2024](#)

Adjourn



Marion County Board of Adjustment

Agenda Item

File No.: 2024-14465

Agenda Date: 4/1/2024

Agenda No.: 2.1.

SUBJECT:

240301V - John C. and Laura M. Hubbard, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the SW side setbacks from 25' to 9.9' for an existing 12'x20' shed (A), from 25' to 23.9' for an existing 12'x20' shed (B) and from 25' to 9.11' for an existing 10'x10' shed (C), all with concrete slabs, in a General Agriculture (A-1) zone on Parcel Account Number 2970-003-002 addressed as 5450 SE 17th Street, Ocala, FL 34480.

DESCRIPTION/BACKGROUND:

Variance Request



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**ZONING SECTION STAFF REPORT
April 01, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	240301V
CDP-AR	30933
Type of Case	Variance to reduce the SW side setbacks from 25' to 9.9' for an existing 12X20 (shed A), from 25' to 23.9' for for an existing 12X20 (shed B), and from 25' to 9.11' for an exisitng 10X10 (shed C) and all with concrete slabs.
Owner	John & Laura Hubbard
Applicant	John & Laura Hubbard
Street Address	5450 SE 17 th ST Ocala, FL 34480
Parcel Number	2970-003-002
Property Size	1.29 Acres
Future Land Use	Low Residential
Zoning Classification	General Agriculture (A-1)
Overlay Zone/Scenic Area	Urban Growth Boundary, Primary Springs Protection Zone
Project Planner	Cindy Gaughf and Lynda Smith, Zoning Techs
Related Case(s)	Open code case #935271 – Expired permit for shed/accessory structure built not meeting setbacks.

I. ITEM SUMMARY

John & Laura Hubbard, as the property owners, filed a request for a variance from Land Development Code (LDC) Section 4.2.3.F in a General Agriculture (A-1) zoning classification. The variance requested is for the southwesterly side setback reduction for three existing sheds, a 12' x 20' (Shed A) from 25' to 9.9', 12' x 20' (Shed B) from 25' to 23.9' and 10' x 10' (Shed C) from 25' to 9.9'; all with concrete slabs. There is an existing code case investigating an expired permit and shed/accessory structure(s) built without meeting setbacks. Code Officer Gabino Cortes did a site visit on 10/20/23 and spoke with J. Hubbard who allowed access and observed two sheds that appeared to be too close to the property line. On 11/14/23 Officer Cortes saw the sheds were still in the same location. On 12/1/23 he spoke with the owner's son who informed Officer Cortes that his parents were having medical issues and not available.

FIGURE 1
GENERAL LOCATION MAP



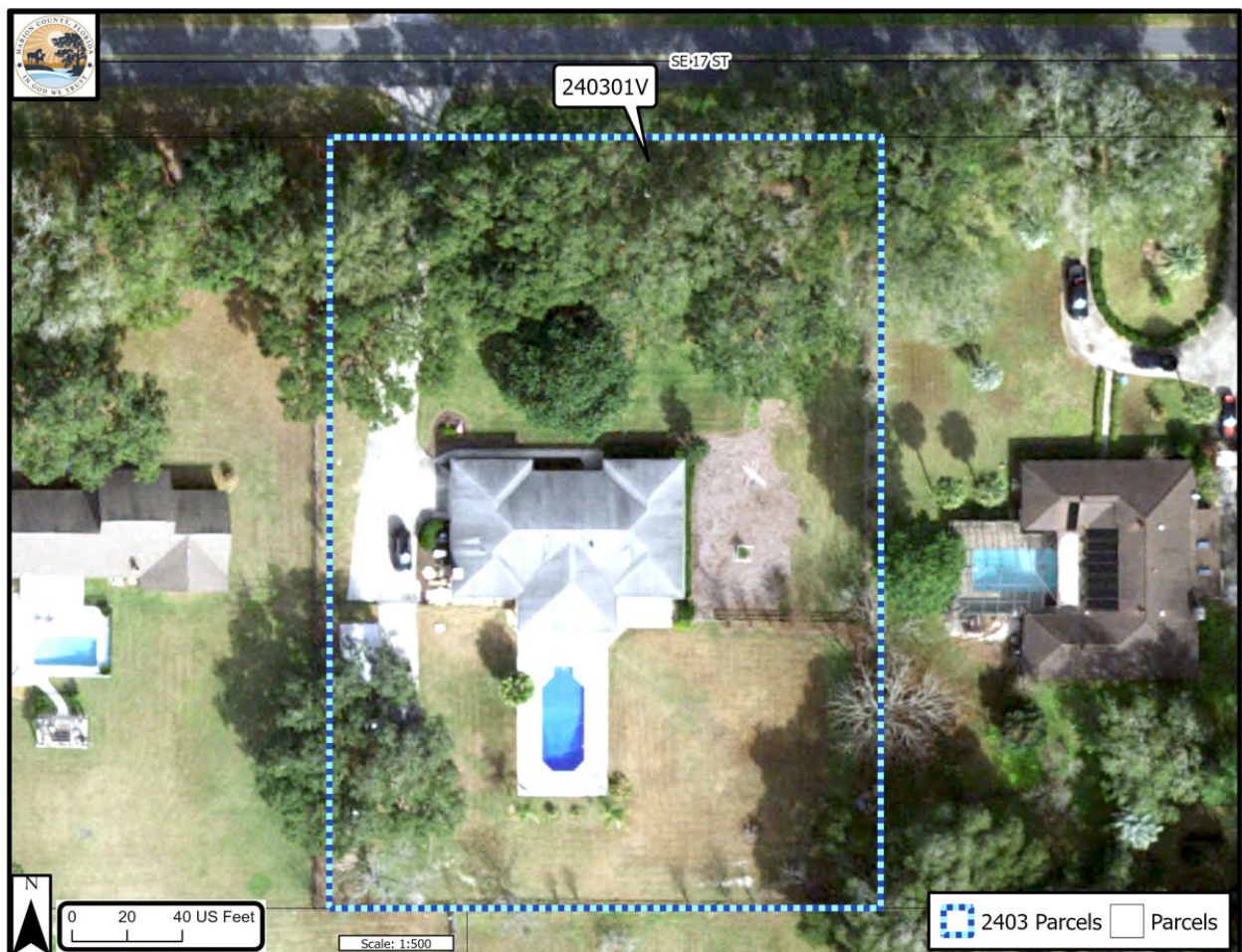
II. PUBLIC NOTICE

Notice of the public hearing was mailed to nine (9) property owners within 300 feet of the subject property on March 15, 2024. A public notice sign was posted on the subject property on January 11, 2024. Notice of the public hearing was published in the Star Banner on March 18, 2024. Evidence of the public notice requirements is on file with the Growth Services Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject 1.29-acre property is located within the Low Density Residential (LR) Future Land Use Map Series (FLUMS) Designation and A-1, General Agricultural Zoning Classification. The subject property consists of Block C, Lot 2 within the Huntington Subdivision recorded in December 1974. The aerial shown below in Figure 2 shows this rectangular-shaped property that has a 200' frontage on SE 17th St. and a depth of 280'.

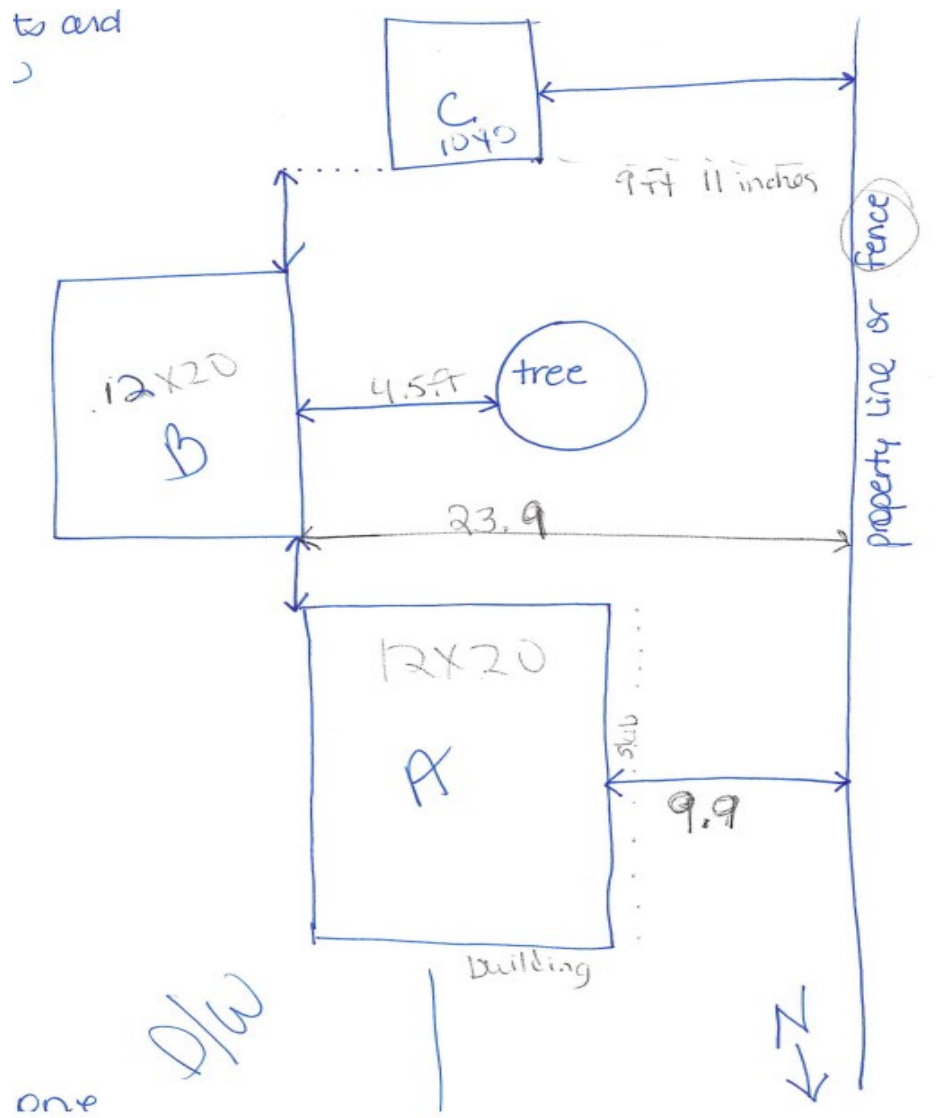
FIGURE 2
AERIAL



III. REQUEST STATEMENT

The Variance requests to reduce the SW side setbacks from 25' to 9.9' for an existing 12'X20' (shed A), from 25' to 23.9' for for an existing 12'X20' (shed B), and from 25' to 9.11' for an existing 10'X10' (shed C); all with concrete slabs, The 10' x 10' (shed C) with a concrete slab was placed on site by the previous homeowners (Figure 3). The 12' x 20' sheds were also constructed on concrete slab. The homeowners were told that the company constructing the 12' x 20' sheds would pull the necessary permits but they later learned that the company did not have a license to work within Marion County and could not pull permits.

Figure 3
Site Plan



IV. ANALYSIS

LDC Section 2.9.2.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. Marion County Staff analysis of compliance with the six (6) criteria is provided below.

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.

Analysis: The applicant states that the variance request is due to the 10' X 10' (shed C) being placed by the previous homeowner and the two 12' X 20' (sheds A and B) being constructed in the incorrect place by the shed company and request setbacks to be reduced to 9.9' from 25' for Shed A, 23.9' from the required 25' for Shed B, and to 9.11' from 25' for Shed C. Additionally, the applicant states the structures take advantage of areas with poor soil that have little other use.

Staff finds There are no special circumstances or conditions that are peculiar to the land, structures, or buildings involved and which are not applicable to other lands, structures, or buildings with the same zoning classification and land use area.

2. The special conditions and circumstances do not result from the actions of the applicant.

Analysis: The special conditions and circumstances resulted from the actions of the previous homeowners and the shed company. The concrete contractor pulled the concrete slab permit #2022111008 and was approved 11/22 without issue.

Staff finds the 10'x10' shed was constructed prior to the current owner buying the property but the 12'x20' sheds were built while they owned the property and were their responsibility to confirm compliance and permitting for. Concrete slabs do not have a required setback from property lines, so when the contractor pulled a permit strictly for concrete, there was no issue. Had the permit been pulled for a shed on slab, it would have been flagged for not meeting setbacks. Marion County Code of Ordinances Sec. 5.5-33(g)(b)(vii) requires FL DCA Pre-fabricated sheds over 160 square feet, or any other size regularly constructed shed built by a nonowner, requires a permit through the Building department.

3. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use area under the terms of said regulations and would cause unnecessary and undue hardship on the applicant.

Analysis: Many properties in this area make use of their land closer than 25' to the property boundary. We were informed that this property had been "grandfathered in" to a lesser distance from the property line.

Staff finds Meeting code requirements would not deprive applicant of rights commonly enjoyed by other properties within the area. Generally, structures built prior to

establishment of the Land Development Code are considered legally non-conforming. This does not apply to structures built in current time which must meet Code requirements.

4. The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building or structure.

Analysis: A reduction of the side setback from 25 feet to 23.9', 9.11' & 9.9' respectively is the minimum amount needed for this request.

Staff finds if Zoning had been contacted prior to construction, the setback issue could have been avoided. The applicants state that the shed company advised them no permits were required, eliminating the need for final inspections from the building department. With necessary information from Building and Zoning, this issue could have been avoided altogether.

5. Granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area.

Analysis: Applicant states that this is true.

Staff finds Granting this variance will confer on the applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area. They will be allowed a reduction in the required setback per LDC that all other lands similar in zoning and land use must meet for new development.

6. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Analysis: Applicant states this would not adversely affect any of the surrounding parcels. Allowing a reduction for 3 existing sheds 12' x 20' (Shed A) from 25' to 9.9', 12' x 20' (Shed B) from 25' to 23.9' & 10' x 10' (Shed C) from 25' to 9.9' with concrete slabs.

Staff finds that granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

VIII. LIST OF ATTACHMENTS

- A. Application 240301V - Hubbard
- B. Warranty Deed
- C. Marion County Property Record Card
- D. Code Case Report - Hubbard
- E. Miscellaneous Labeled Pictures

★ ★ Updated ★ ★



Marion County
Board of County Commissioners

Growth Services ♦ Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2675
Fax: 352-438-2676

OFFICE USE ONLY

Received By: L. Smith

Date Received: _____

#240301V

VARIANCE APPLICATION

AR#: 30933

Application #: 240301V
FOR COUNTY USE ONLY

PA#: 2970-003-002

Parcel Account Number of Subject Property

THE UNDERSIGNED REQUESTS A VARIANCE AS REFERENCED IN SECTION 2.9 OF THE MARION COUNTY LAND DEVELOPMENT FOR THE PURPOSE OF:

Request a Variance to reduce the SW side setbacks from 25' to 9.9' for an existing 12X20 (shed A), from 25' to 23.9' for an existing 12X20 (shed B), and from 25' to 9.11' for an existing 10X10 (shed C) all with concrete slabs, in a General Agriculture (A-1) zone on Parcel Account Number 2970-003-002 addressed 5450 SE 17th St, Ocala, Florida 34480

Section of Code requesting variance from: Sec 4.2.3 General Agricultural (A-1) Classification

Legal Description (Please attach a copy of deed). Total Acreage of subject property: 1.29 +/- acres

Directions to subject property:

From East Fort King Downtown, proceed east to SE 52nd Ct and turn right (south) and continue to SE 17th St and turn east (left) and find 5450 SE 17th St on the right (south)

Please Note: Property owner must sign this application: Otherwise he/she must attach to this application written authorization naming an agent to act in his/her behalf.

John C. Hubbard
Laura M. Hubbard

(Print/Signature) Property Owner

5450 SE 17th St

John C. and Laura M. Hubbard

Address

Ocala, Florida 34480

City, State, Zip Code

Cell: 321-360-6225

Email: cicdesign77@gmail.com

Contact Info: Phone, cell, e-mail address

John Hubbard
Laura Hubbard

(Print) Applicant or Agent

5450 SE 17th St

Address

Ocala, Florida 34480

City, State, Zip Code

Cell 321-360-6225

Email: cicdesign77@gmail.com

Contact Info: Phone, cell, e-mail address

THE FILING FEE IS \$ 550 NON-REFUNDABLE. WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUIRES ADDITIONAL INFORMATION, THEY MAY DECIDE TO POSTPONE OR DENY THE REQUEST. NOTICE OF SAID HEARING WILL BE MAILED TO THE ABOVE ADDRESS. ALL INFORMATION GIVEN MUST BE CORRECT AND LEGIBLE TO BE PROCESSED. PLEASE NOTE THAT A WRITTEN PETITION (REFER TO PAGE 2 & 3) MUST BE PROVIDED WITH THIS APPLICATION, ALONG WITH A SITE PLAN IN ORDER TO BE CONSIDERED COMPLETE. FOR FURTHER INFORMATION CONTACT THE MARION COUNTY GROWTH SERVICES.

Proj. #: 2023120021

Sec. 24-15-22
"Huntington"
"Meeting Needs by Exceeding Expectations"

Code Case #:
935271-6C

★ ★ Up dated

Page 2

WRITTEN PETITION FOR VARIANCE

WRITE YOUR ANSWERS IN THE SPACE PROVIDED AFTER EACH STATEMENT. PLEASE COMPLETE ALL REPLIES USING A SENTENCE FORM. A VARIANCE FROM THE TERMS OF THESE REGULATIONS SHALL NOT BE GRANTED BY THE BOARD OF ADJUSTMENT UNLESS A WRITTEN PETITION FOR A VARIANCE IS SUBMITTED JUSTIFYING THE FOLLOWING:

A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.

Applicant's justification:

The structure's placement is on an area of poor soil (nutrient-deficient with poor drainage) but is useful for ingress and egress to the back of the property, allowing ease of and general access by large commercial equipment (such as tree-trimming, concrete truck(s), dump trucks, etc) beginning with the paved driveway at the front of the property and continuing to the paved rear of the driveway.

The structure's location is also in consideration of maintaining the grass in the rest of the yard for the enhancement of the environment and protection from soil erosion. get back from 25' to 10' on south westely side. Structure is already constructed with a concrete slab. No permit was required. WAS told COMPANY constructing was pulling a permit. Signed for them for marion county. However, they didn't have a license.

B. The special conditions and circumstances do not result from the actions of the applicant.

Applicant's justification:

The concrete paved driveway and area of poor soil drainage where the structure is located were in existence prior to the applicant's purchase of the property. Concrete contractor pulled concrete slab permit without issues

C. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use are under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

Applicant's justification:

Many properties in this area make use of their land closer than 25 feet to the property boundary. We were informed that this property had been "grandfathered in" to a lesser distance from the property line.

This structure, if moved, would work unnecessary and undue hardship on the land itself and would incur undue expense in costs to the applicant to move and reestablish the structure on a firm foundation elsewhere in an otherwise green environment.

D. The Variance, if granted, is the minimum Variance that will allow the reasonable use of the land, building or structure.

Applicant's justification:

Minimum variance is 10 feet from the property line. This structure is over 10 feet from the property line.

Above is correct for both sheds,

E. Granting the Variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning classification and land use area.

Applicant's justification:

As previously mentioned, other properties in this area have similar structures very close to their property line. No different/special/other privilege is requested.

F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's justification:

We have polled our neighbors, who are at peace with the structure's location. Please see attached documents.



Marion County
Board of County Commissioners

Growth Services + Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2675
Fax: 352-438-2676

OFFICE USE ONLY

Received By: Cindy Hargis

Date Received: 12-5-23

240301V

VARIANCE APPLICATION AR#: 30933

PA#: R2970-003-002

Parcel Account Number of Subject Property

Application #: 240301V
FOR COUNTY USE ONLY

THE UNDERSIGNED REQUESTS A VARIANCE AS REFERENCED IN SECTION 2.9 OF THE MARION COUNTY LAND DEVELOPMENT FOR THE PURPOSE OF reduction of side setback for 2 sheds.
A stand-alone 12ft x 20ft shed; 25' to 10' on south westerly side w/ concrete slabs.
Second shed 10 x 10 was on property before property being purchased. Request 25' to 10' on south westerly side.
Both have concrete slabs

Section of Code requesting variance from: Sec. 4.2.3 - General Agriculture (A-1) Classification

Legal Description (Please attach a copy of deed). Total Acreage of subject property: 1.29 +/- acres

Directions to subject property:

From East Fort King downtown, proceed east to SE 52nd Ct. Turn right (south) and continue to SE 17th St. Turn east (left) and find 5450 SE 17th St. on the right (south).

Please Note: **Property owner must sign this application:** Otherwise he/she must attach to this application written authorization naming an agent to act in his/her behalf.

John C. Hubbard and Laura M. Hubbard
John Hubbard Laura Hubbard
(Print/Signature) Property Owner

5450 SE 17th St.

Address

Ocala, FL 34480

City, State, Zip Code

cell: 321-360-6225; cldesign77@gmail.com

Contact Info: Phone, cell, e-mail address

John Hubbard

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5450 SE 17th St.

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Ocala, FL 34480

City, State, Zip Code

321-360-6225; cldesign77@gmail.com

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THE FILING FEE IS \$450 NON-REFUNDABLE. WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUIRES ADDITIONAL INFORMATION, THEY MAY DECIDE TO POSTPONE OR DENY THE REQUEST. NOTICE OF SAID HEARING WILL BE MAILED TO THE ABOVE ADDRESS. ALL INFORMATION GIVEN MUST BE CORRECT AND LEGIBLE TO BE PROCESSED. PLEASE NOTE THAT A WRITTEN PETITION (REFER TO PAGE 2 & 3) MUST BE PROVIDED WITH THIS APPLICATION, ALONG WITH A SITE PLAN IN ORDER TO BE CONSIDERED COMPLETE. FOR FURTHER INFORMATION CONTACT THE MARION COUNTY GROWTH SERVICES.

Proj #: 2023120021

"Sec. 24-15-22
Huntington"

Case Case #: 9352716C

"Meeting Needs by Exceeding Expectations"

WRITTEN PETITION FOR VARIANCE

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A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.

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The structure's placement is on an area of poor soil (nutrient-deficient with poor drainage) but is useful for ingress and egress to the back of the property, allowing ease of and general access by large commercial equipment (such as tree-trimming, concrete truck(s), dump trucks, etc) beginning with the paved driveway at the front of the property and continuing to the paved rear of the driveway.

The structure's location is also in consideration of maintaining the grass in the rest of the yard for the enhancement of the environment and protection from soil erosion.

Setback from 25' to 10' on south westely side. Structure is already constructed with a concrete slab. No permit was required. Was told company constructing was pulling a permit. Signed for them for Marion County. However, they didn't have a license to pull permit.

B. The special conditions and circumstances do not result from the actions of the applicant.

Applicant's justification:

The concrete paved driveway and area of poor soil drainage where the structure is located were in existence prior to the applicant's purchase of the property. Concrete contractor pulled concrete slab permit without issues

C. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use are under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

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This structure, if moved, would work unnecessary and undue hardship on the land itself and would incur undue expense in costs to the applicant to move and reestablish the structure on a firm foundation elsewhere in an otherwise green environment.

Attachment A

Page 3

D. The Variance, if granted, is the minimum Variance that will allow the reasonable use of the land, building or structure.

Applicant's justification:

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Above is correct for both sheds,

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Applicant's justification:

As previously mentioned, other properties in this area have similar structures very close to their property line. No different/special/other privilege is requested.

F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's justification:

We have polled our neighbors, who are at peace with the structure's location. Please see attached documents.

Prepared by:
Theresa A. Hall
Affiliated Title of Central Florida, Ltd.
2701 SE Maricamp Road, Suite 101
Ocala, Florida 34471

File Number: 19-1533

General Warranty Deed

✓ Made this July 22, 2019 A.D. By **Clyde M. Williams and Maureen Williams**, husband and wife, hereinafter called the grantor, to **John C. Hubbard and Laura M. Hubbard**, husband and wife, whose address is: 5450 SE 17th Street, Ocala, FL 34480, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Marion County, Florida, viz:

Lot 2, Block C, HUNTINGTON, according to the map or plat thereof, as recorded in Plat Book R, Page(s) 62, of the Public Records of Marion County, Florida.

Subject to covenants, restrictions and easements of record (if any) which are not by this reference reimposed.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

DEED Individual Warranty Deed - Legal on Face
Closers' Choice

Prepared by:
 Theresa A. Hall
 Affiliated Title of Central Florida, Ltd.
 2701 SE Maricamp Road, Suite 101
 Ocala, Florida 34471

File Number: 19-1533

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness 1 Sign:

Tanice M Egui

Witness 1 Print:

Sm

Witness 2 Sign:

S. Michelle Price Foley

Witness 2 Print:

State of Florida
 County of Marion

The foregoing instrument was acknowledged before me this 22 day of July, 2019, by **Clyde M. Williams and Maureen Williams**, who is/are personally known to me or who has produced driver's license as identification.

NOTARY SEAL

Notary Public Signature
 Print Name:

My Commission Expires:



DEED Individual Warranty Deed - Legal on Face
 Closers' Choice



"AS IS" Residential Contract For Sale And Purchase

THIS FORM HAS BEEN APPROVED BY THE FLORIDA REALTORS AND THE FLORIDA BAR

1* **PARTIES:** Clyde M. Williams ("Seller"),
 2* and John C. Hubbard Laura M. Hubbard ("Buyer"),
 3 agree that Seller shall sell and Buyer shall buy the following described Real Property and Personal Property
 4 (collectively "Property") pursuant to the terms and conditions of this AS IS Residential Contract For Sale And Purchase
 5 and any riders and addenda ("Contract"):

6 **1. PROPERTY DESCRIPTION:**
 7* (a) Street address, city, zip: 5450 SE 17th St, Ocala, Florida 34480
 8* (b) Located in: Marion County, Florida. Property Tax ID #: 2970-003-002
 9* (c) Real Property: The legal description is SEC 24 TWP 15 RGE 22 PLAT BOOK R PAGE 062 HUNTINGTON BLK C
 10 LOT 2

12 together with all existing improvements and fixtures, including built-in appliances, built-in furnishings and
 13 attached wall-to-wall carpeting and flooring ("Real Property") unless specifically excluded in Paragraph 1(e) or
 14 by other terms of this Contract.

15 (d) Personal Property: Unless excluded in Paragraph 1(e) or by other terms of this Contract, the following items
 16 which are owned by Seller and existing on the Property as of the date of the initial offer are included in the
 17 purchase: range(s)/oven(s), refrigerator(s), dishwasher(s), disposal, ceiling fan(s), intercom, light fixture(s),
 18 drapery rods and draperies, blinds, window treatments, smoke detector(s), garage door opener(s), security gate
 19 and other access devices, and storm shutters/panels ("Personal Property").
 20* Other Personal Property items included in this purchase are: _____

22 Personal Property is included in the Purchase Price, has no contributory value, and shall be left for the Buyer.
 23* (e) The following items are excluded from the purchase: _____

PURCHASE PRICE AND CLOSING

25 **2. PURCHASE PRICE (U.S. currency):**\$ 342,900.00
 26* (a) Initial deposit to be held in escrow in the amount of **(checks subject to COLLECTION)**\$ 1,000.00
 27 The initial deposit made payable and delivered to "Escrow Agent" named below
 28 **(CHECK ONE):** (i) ☐ accompanies offer or (ii) ☐ is to be made within 3 (if left
 29 blank, then 3) days after Effective Date. IF NEITHER BOX IS CHECKED, THEN
 30 OPTION (ii) SHALL BE DEEMED SELECTED.
 31 Escrow Agent Information: Name: _____ Affiliated Title _____
 32* Address: _____
 33* Phone: 352-369-4300 E-mail: _____ Fax: _____
 34* (b) Additional deposit to be delivered to Escrow Agent within _____ (if left blank, then 10)
 35 days after Effective Date\$ _____
 36 (All deposits paid or agreed to be paid, are collectively referred to as the "Deposit")
 37 (c) Financing: Express as a dollar amount or percentage ("Loan Amount") see Paragraph 8 301,752.00
 38* (d) Other:\$ _____
 39 (e) Balance to close (not including Buyer's closing costs, prepaids and prorations) by wire
 40 transfer or other **COLLECTED** funds\$ 40,148.00

41* **NOTE: For the definition of "COLLECTION" or "COLLECTED" see STANDARD S.**

42 **3. TIME FOR ACCEPTANCE OF OFFER AND COUNTER-OFFERS; EFFECTIVE DATE:**
 43 (a) If not signed by Buyer and Seller, and an executed copy delivered to all parties on or before
 44 06/25/2019, this offer shall be deemed withdrawn and the Deposit, if any, shall be returned to
 45 Buyer. Unless otherwise stated, time for acceptance of any counter-offers shall be within 2 days after the day
 46 the counter-offer is delivered.
 47 (b) The effective date of this Contract shall be the date when the last one of the Buyer and Seller has signed or
 48 initialed and delivered this offer or final counter-offer ("Effective Date").

50 **4. CLOSING DATE:** Unless modified by other provisions of this Contract, the closing of this transaction shall occur
 51 and the closing documents required to be furnished by each party pursuant to this Contract shall be delivered
 52* ("Closing") on 07/24/2019 ("Closing Date"), at the time established by the Closing Agent.



Jimmy H. Cowan, Jr., CFA

Marion County Property Appraiser

501 SE 25th Avenue, Ocala, FL 34471 Telephone: (352) 368-8300 Fax: (352) 368-8336

2024 Property Record Card Real Estate

2970-003-002

[GOOGLE Street View](#)

Prime Key: 694193

[Beta MAP IT+](#)

Current as of 1/23/2024

[Property Information](#)

HUBBARD JOHN C
HUBBARD LAURA M
5450 SE 17TH ST
OCALA FL 34480-1126

[Taxes / Assessments:](#)

Map ID: 213

[Millage:](#) 9001 - UNINCORPORATED[M.S.T.U.](#)[PC:](#) 01

Acres: 1.29

Situs: 5450 SE 17TH ST OCALA

[2023 Certified Value](#)

Land Just Value	\$116,100		
Buildings	\$275,578		
Miscellaneous	\$9,122		
Total Just Value	\$400,800		
Total Assessed Value	\$245,311	Impact	
Exemptions	(\$50,000)	Ex Codes: 01 38	(\$155,489)
Total Taxable	\$195,311		
School Taxable	\$220,311		

[History of Assessed Values](#)

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$116,100	\$275,578	\$9,122	\$400,800	\$245,311	\$50,000	\$195,311
2022	\$116,100	\$254,814	\$9,208	\$380,122	\$238,166	\$50,000	\$188,166
2021	\$51,600	\$194,959	\$9,295	\$255,854	\$231,229	\$50,000	\$181,229

[Property Transfer History](#)

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
7009/1242	07/2019	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$342,900
6290/0918	10/2015	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$295,000
2034/0033	05/1994	07 WARRANTY	2 V-SALES VERIFICATION	Q	I	\$140,000
0831/0236	09/1977	02 DEED NC	0	U	I	\$71,500

[Property Description](#)

SEC 24 TWP 15 RGE 22
PLAT BOOK R PAGE 062
HUNTINGTON

BLK C LOT 2

Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
0100		200.0	280.0	A1	1.29	AC							
Neighborhood 4667 - HUNTINGTON													
Mkt: 8 70													

Traverse

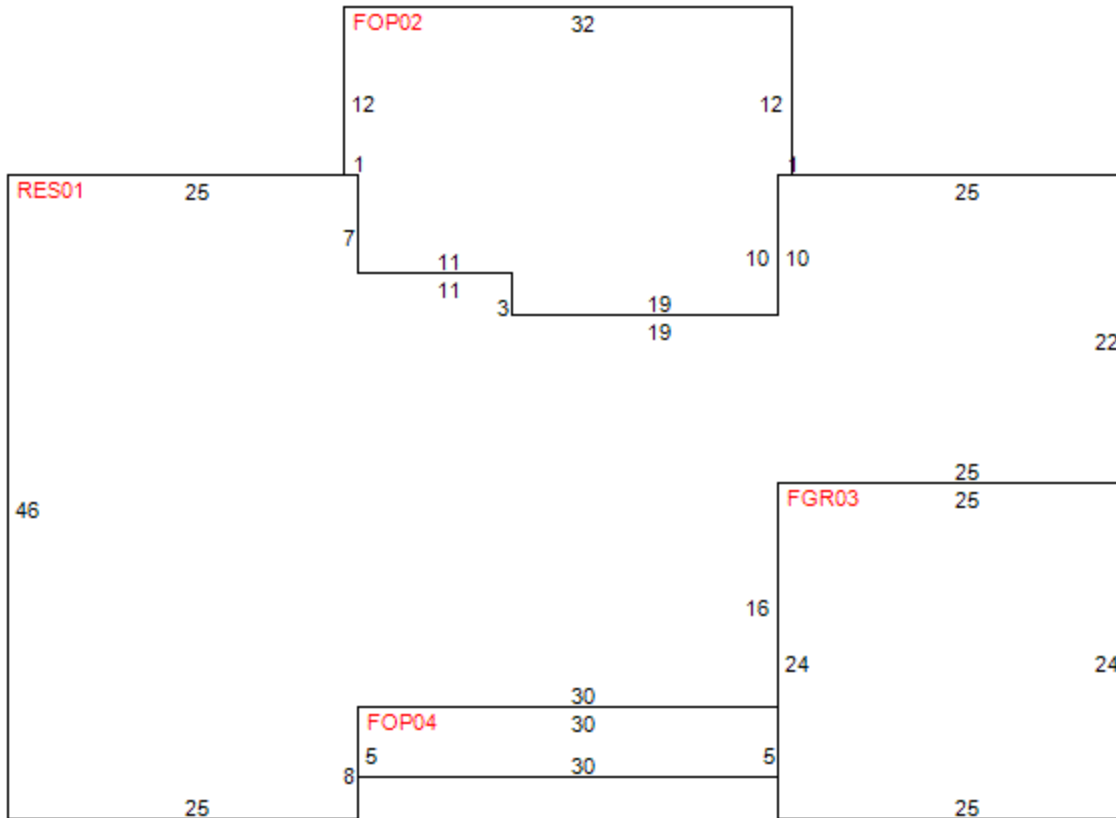
Building 1 of 1

RES01=L25D10L19U3L11U7L25D46R25U8R30U16R25U22.L24

FOP02=U12L32D12R1D7R11D3R19U10R1.R24D22

FGR03=L25D24R25U24.L25D16

FOP04=L30D5R30U5.



Building Characteristics

Improvement	1F - SFR- 01 FAMILY RESID
Effective Age	3 - 10-14 YRS
Condition	0

Year Built 1977
Physical Deterioration 0%
Obsolescence: Functional 0%

Quality Grade 700 - GOOD
Inspected on 9/8/2020 by 187

Obsolescence: Locational 0%
Architecture 0 - STANDARD SFR
Base Perimeter 272

TypeID	Exterior Walls	Stories	Year Built	Finished Attic	Bsmt Area	Bsmt Finish	Ground Floor Area	Total Flr Area
RES 0144	- FACE BRICK-BLK	1.00	1977	N	0 %	0 %	2,573	2,573
FOP 0201	- NO EXTERIOR	1.00	2006	N	0 %	0 %	651	651
FGR 0344	- FACE BRICK-BLK	1.00	1977	N	0 %	0 %	600	600
FOP 0401	- NO EXTERIOR	1.00	1977	N	0 %	0 %	150	150

Section: 1

Roof Style: 12 HIP	Floor Finish: 24 CARPET	Bedrooms: 4	Blt-In Kitchen: Y
Roof Cover: 08 FBRGLASS SHNGL	Wall Finish: 16 DRYWALL-PAINT	4 Fixture Baths: 0	Dishwasher: Y
Heat Meth 1: 20 HEAT PUMP	Heat Fuel 1: 10 ELECTRIC	3 Fixture Baths: 2	Garbage Disposal: Y
Heat Meth 2: 00	Heat Fuel 2: 00	2 Fixture Baths: 1	Garbage Compactor: N
Foundation: 7 BLK PERIMETER	Fireplaces: 1	Extra Fixtures: 2	Intercom: N
A/C: Y			Vacuum: Y

Miscellaneous Improvements

Type	Nbr	Units	Type	Life	Year In	Grade	Length	Width
190 SEPTIC 1-5 BTH	1.00		UT	99	1979	2	0.0	0.0
256 WELL 1-5 BTH	1.00		UT	99	1979	3	0.0	0.0
226 RES SWIM POOL	493.00		SF	20	1983	2	0.0	0.0
099 DECK	561.00		SF	50	1983	2	0.0	0.0
159 PAV CONCRETE	3,007.00		SF	20	1977	3	0.0	0.0
UDU UTILITY-UNFINS	228.00		SF	40	1996	2	19.0	12.0
114 FENCE BOARD	480.00		LF	10	1977	2	0.0	0.0
112 FENCE WIRE/BD	320.00		LF	10	1977	5	0.0	0.0

Appraiser NotesPlanning and Building** Permit Search **

Permit Number	Date Issued	Date Completed	Description
2022063667	6/28/2022	7/1/2022	C/O 5 TON TRANE 16 SEER HP A/H & COND UNIT- SZ/SZ
2020061646	6/18/2020	8/10/2020	BURY 250 PROPANE TANK GAS LINE TO GENERATOR HOOK UP
2020060841	6/10/2020	8/3/2020	HOOK UP A 22 KW GENERATOR WITH A 200 AMP TRANSER SWITCH
M091882	9/1/2005	5/1/2006	BACK FOP AND REROOF
MC0552Z	3/1/1983	1/1/1900	POOL/FSP
2022111008	1/1/1900	5/1/2023	NEW CONCRETE SLAB 4; THICK 3000 PSI TERMITE TREATED 22 X 14

Code Case Detail Report

CDPR4204 - Code Case Detail Report

CASE NBR: 935271**AO NBR:** 658770OLD CASE NBRSTATUS: OPENINSPECTOR: CORTES, GABINOCASE TYPE: LAND DEVELOPMENTFOLIO NBR: 2970-003-002AO INFORMATIONOPEN DATE 10/19/2023 OPEN USER CE344RH2COMPL NAME JAMES ROGERS BLDG DEPT COMPL PHONECOMPL ADDRESS 2710 E SILVER SPRINGS BLVD OCALA COMPL FAXCASE INFORMATIONADDR NBR: 93276 LOCATION: 5450 SE 17TH ST OCALAOPEN DATE: 10/20/2023 DISPOSITIONCLOSE DATE: DISP BY: CE344GC DISP DATE: 10/20/2023DIRECTIONS: HWY 40 E TO BASELINE RD T/R GO TO 17TH ST T/RCATEGORY: CON - PERMITSPRIORITY: 0 LAST VISIT ID: 597053 ZIP: 344801126HEARING DATE: CONTACT?:PHYSICAL FILE ID:DESCRIPTION:

INVESTIGATING AN EXPIRED PERMIT; SHED/ ACCESSORY STRUCTURE IS BUILT, BUT DOES NOT MEET SETBACKS. REFERRED TO CODE ENFORCEMENT.

CONTACT INFORMATION:

HUBBARD JOHN C

PHONE: FAX:TENANT INFORMATION:

HUBBARD JOHN C

PHONE: FAX:OWNER INFORMATION:

HUBBARD JOHN C

HUBBARD LAURA M 5450 SE 17TH ST

OCALA, FL

344801126

PHONE: FAX:VIOLATOR INFORMATION:

HUBBARD JOHN C

HUBBARD LAURA M 5450 SE 17TH ST

OCALA, FL

344801126

PHONE: FAX:COMPLAINANT INFORMATION:NAME/ADDRESS:PHONE:FAX:

JAMES ROGERS BLDG DEPT

2710 E SILVER SPRINGS BLVD OCALA

ACTION ORDER NOTES:

SE 36th Ave / east on SE 17th St / RHS

VISITS:

CASE NBR: 935271

AO NBR: 658770

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OLD CASE NBR

STATUS: OPEN

INSPECTOR: CORTES, GABINO

CASE TYPE: LAND DEVELOPMENT

FOLIO NBR: 2970-003-002

VISIT NBR	INSPECTOR	NAME	SCHEDULED DATE	VISIT DATE	NBR DAYS COMP
599889	CE344GC	CORTES, GABINO	11/21/2023	12/01/2023	
0945 HRS, PHOTOS TAKEN. REINSPECTION DISCLOSED THAT CONTACT WAS MADE WITH JOSHUA HUBBARD AT THE PROPERTY WHO STATED THAT HIS FATHER AND MOTHER WERE NO AVAILABLE DUE TO MEDICAL ISSUES. MR. HUBBARD WAS ADVISED OF THE VIOLATION AND ADVISED TO HAVE HIS FATHER CONTACT THE ZONING DEPT ON THE MATTER. MR. HUBBARD WAS ALSO ADVISED THAT A REINSPECTION WOULD BE CONDUCTED.					
597053	CE344GC	CORTES, GABINO		10/20/2023	
1000 HRS, PHOTOS TAKEN. INSPECTION DISCLOSED THAT TWO SHEDS WERE OBSERVED ON THE PROPERTY. CONTACT WAS MADE WITH J. HOUBARD WHO ALLOWED ACCESS UNTO THE PROPERTY. FURTHER INSPECTION DISCLOSED THAT ONE SHED WAS 9 FT 9 INCHES FROM THE PROPERTY LINE, THE OTHER FENCE WAS FOUND TO BE 23 FT 7 INCHES FROM THE PROPERTY LINE. THE ZONING CLASSIFICATION IS NOTED AS A-1. MS. HOUBARD AS IF THERE WAS A SPECIAL VERIANCE THAT COULD BE OBTAINED AND WAS ADVISED BY THIS OFFICER THAT TO CONTACT THE ZONING DEPT. AND OF A REINSPECTION BY 11/07/23.					
597057	CE344GC	CORTES, GABINO	10/27/2023	11/14/2023	
0930 HRS, PHOTOS TAKEN. REINSPECTION DISCLOSED THAT THE SHEDS ON THE PROPERTY APPEARED TO BE IN THE SAME PLACED AREAS. NO CONTACT WAS MADE AT THE PROPERTY. NO PERMIT OR APPLICATIONS REQUESTED AS PER THE ZONING DEPT. A REINSPECTION WILL BE MADE.					
601841	CE344GC	CORTES, GABINO	12/08/2023		

LETTERS:

REF TYPE	LETTER NAME	RQST DATE	PRINT DATE	SEND DATE	STATUS
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VIOLATIONS:

STATUS	GROUP	CODE	VIOL. DATE	DESCRIPTION/REMARKS
VIOLATION	CE	4.2.SETBK	10/20/2023	SETBACK VIOLATION

IMAGES:

CASE NBR: 935271

AO NBR: 658770

23

OLD CASE NBR

STATUS: OPEN

INSPECTOR: CORTES, GABINO

CASE TYPE: LAND DEVELOPMENT

FOLIO NBR: 2970-003-002

<u>IMAGE DATE</u>	<u>IMAGE DESCRIPTION</u>
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
10/20/2023	5450 SE 17TH ST PERMITS/ SETBACK CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES

CASE NBR: 935271

AO NBR: 658770

24

OLD CASE NBR

STATUS: OPEN

INSPECTOR: CORTES, GABINO

CASE TYPE: LAND DEVELOPMENT

FOLIO NBR: 2970-003-002

11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
11/14/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
12/1/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
12/1/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
12/1/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
12/1/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES
12/1/2023	5450 SE 17TH ST ZONE VIOLATION CEO CORTES

NOTES:

Attachment E

East looking West at Shed A and B



East looking West at Shed A



Attachment E

South looking North at Shed A



South of Shed C looking North



Attachment E

North of Shed A looking South



East looking West at Shed B and C



Attachment E

North of Shed C looking South



North looking South at Shed C



Attachment E

North of home looking South



Shed A measurement



Attachment E

Shed B measurement



Shed C measurement



Attachment E

South of Shed A, B and C looking North





Marion County Board of Adjustment

Agenda Item

File No.: 2024-14469

Agenda Date: 4/1/2024

Agenda No.: 4.1.

SUBJECT:
March 4, 2024

DESCRIPTION/BACKGROUND:
Previous BOA Meeting Minutes

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT March 4, 2024

A public hearing of the Marion County Board of Adjustment was held on March 4, 2024 at 2:00 pm in the Marion County Growth Services Training Room, 2710 E. Silver Springs Boulevard, Ocala, Florida.

The meeting was called to order at 2:00 pm. Members present creating a quorum were: Chairman Donald Barber and Vice-Chairman Jack Stackman, Members: C. Cadell Hagar, Ernest Hemschot and Douglas Sherwood. Staff members present were: Chief Assistant County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Deputy Director Kenneth Weyrauch, Staff Assistant IV Darlene A. Pocock, along with Planner II Kathleen Brugnoli.

Cadell Hager gave the Invocation, followed by Jack Stackman leading the Pledge of Allegiance.

Chairman Barber and Atty. Dana Olesky explained the procedures for hearing variance requests and Atty. Olesky administered the Oath en masse.

Kathleen Brugnoli proceeded by reading the provided Affidavit of Publication and the Proof of Required Mailing and Posting of Notice, and advised that the meeting was properly noticed.

- 2.1 **240303V** – James M. Luffman, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ (Environmentally Sensitive Overlay Zone) front setback (lakeside) from 75' to 70' and the ESOZ north side setback (canal-side) from 75' to 20' for a proposed 60'x10' inground pool and surrounding pool deck, in a Single-Family Dwelling (R-1) zone on Parcel Account Number 49129-019-00, addressed as 13206 SE 145th Avenue, Ocklawaha, FL 32179.

Clint Barkley presented the case and read the report into the record. Jeremy Craig assisted with the presentation.

8 homeowners were notified within 300' of the parcel and no letters of support nor letters of opposition were received.

Edward Abshier, 5614 SE 111th Street, Belleview, FL 34420, agent for the owner, stated that the 20' setback request is the same setback of the home and was previously approved for the SFR. Mr. Abshier also indicated that any overflow of water (pool or storm) has been designed to drain toward the lakefront area and not the canal area due to the property's existing berm and ESOZ mitigation plan that is in place. Mr. Abshier confirmed that this pool and deck will be further from the lake than several others in the area.

PUBLIC COMMENT:

There was no one in the audience to speak for, or against, the request and the chair closed the public portion of the hearing.

Cadell Hagar made a motion to **approve** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. A special condition or circumstance exists on the property that does not exist on other properties within the same zoning and land use area; 2. The applicant did not cause the special condition or circumstance; 3. Literal enforcement of the regulations would create unnecessary and undue hardship and deprive the applicant of rights commonly enjoyed by other properties within the same zoning and land use area; 4. The variance is the minimal variance that will allow reasonable use of the property; 5. The variance will not confer any special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 6. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare; And that the Board grant the variance with the added condition of: *"cannot expand beyond the decking area granted with this variance"*.

Jack Stackman made a motion to second.

Motion to Approve - Passed 4 to 1 with Douglas Sherwood dissenting.

OTHER BUSINESS:

Jack Stackman requested that the ESOZ setback requirements be reviewed and also requested to have staff provide the board with more explanation regarding the historical change that was made to the 50' setback and to the current 75' setback requirement.

MINUTES:

The **February 4, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Ernest Hemschot with a second by Jack Stackman.

Motion for Approval - Passed 5 to 0.

ADJOURNED: The meeting adjourned at 2:42 PM.

Donald M. Barber, Chairman

Attest:

Darlene A. Pocock, Staff Assistant IV