



Marion County

Board of Adjustment

Meeting Agenda

Monday, May 6, 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.** [240501V - Jason and Rebecca Clark, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front setback from 75' to 35' for a proposed pool and pool deck \(38x30'area\) in a Single-Family Dwelling \(R-1\) zone on Parcel Account Number 4825-014-000 addressed as 10695 SE Sunset Harbor Road, Summerfield, FL 34491.](#)
 - 2.2.** [240502V - Jerry L and Darlene M. Morgan, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front setback from 25' to 20' for an existing 6'x45' covered walkway \(pan-roof\), in a One- and Two-Family Dwelling \(R-2\) zone on Parcel Account Number 35322-010-01, addressed as 10350 SW 92nd Court, Ocala, FL 34481.](#)
- 3. Other Business**
- 4. Consider the Minutes of Previous Meeting**
 - 4.1.** [April 1, 2024](#)

Adjourn



Marion County

Board of Adjustment

Agenda Item

File No.: 2024-14972

Agenda Date: 5/6/2024

Agenda No.: 2.1.

SUBJECT:

240501V - Jason and Rebecca Clark, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front setback from 75' to 35' for a proposed pool and pool deck (38x30'area) in a Single-Family Dwelling (R-1) zone on Parcel Account Number 4825-014-000 addressed as 10695 SE Sunset Harbor Road, Summerfield, FL 34491.

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
May 6, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	240501V
CDP-AR	31144
Type of Case	Variance to reduce the Environmentally Sensitive Overlay Zone (ESOZ) waterside (north) front setback from 75' to 35' for a proposed 38' X 30' pool with deck in an R-1 single family zoning.
Owner	Jason and Rebecca Clark
Applicant	Edward Abshier
Street Address	10695 SE Sunset Harbor Rd., Summerfield FL 34491
Parcel Number	4825-014-000
Property Size	1.25 ac
Future Land Use	Medium Residential
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ) and Secondary Springs Protection Overlay Zone (SPOZ)
Project Planner	Lynda Smith, Zoning Technician I Jeremy Craig Zoning Technician III
Related Case(s)	None

I. ITEM SUMMARY

This is a request filed by the applicant's agent, Edward Abshier, for owners Jason and Rebecca Clark, for a variance from Land Development Code (LDC) Section 5.2.4.A to reduce the Environmentally Sensitive Overlay Zone (ESOZ) waterfront setback from 75' to 35' for a 38' X 30' pool with deck. Figure 1 is an aerial photograph displaying the general location of the subject property.

FIGURE 1
GENERAL LOCATION MAP



II. PUBLIC NOTICE

Notice of public hearing was mailed to (10) property owners within 300-feet of the subject property on April 19, 2024. A public notice sign was posted on the subject property on April 5, 2024 and notice of the public hearing was published in the Star Banner on April 16, 2024. Evidence of the public notice requirements are on file with the Department and are incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

This parcel is located in the platted subdivision of Sunset Acres which was established in 1955. The subject property is 1.25 acres located within the Medium Residential Future Land Use Map Series (FLUMS) designation and has a Single-Family Dwelling (R-1) zoning classification. The property is also located in an Environmentally Sensitive Overlay Zone (ESOZ) fronting on Lake Weir (See Figure 2). The current single-family residence (SFR) on the property was built in 1970.

FIGURE 2
AERIAL



IV. REQUEST STATEMENT

Applicant agent Edward Abshier for owners Jason and Rebecca Clark requests a variance from LDC Section 5.2.4.A., to reduce the north waterfront setback line in the Single-Family Dwelling (R-1) Zoning and ESOZ from 75' to 35' for a 38' X 30' pool with deck.

V. ANALYSIS

LDC Section 2.9.2.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with the six (6) criteria. The six (6) criteria and staff's analysis of compliance with those criteria are 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 the home on-site was constructed in 1970. There were no ESOZ requirements at the time. There was no way of knowing that future requirements would not allow for the addition of a pool and deck on the lake side of the home. This type of variance is common on Lake Weir.

Staff finds that there are special conditions and circumstances which are peculiar to the land, structure or buildings involved and which are applicable because ESOZ requirements were implemented after the home was built in 1970.

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

Analysis: The Applicant states this home was constructed in 1970. There were no ESOZ requirements at the time. There was no way of knowing that future requirements would not allow for the addition of a pool and deck on the lake side of the home of. This type of variance is common on Lake Weir.

Staff finds the special conditions and circumstances do not result from the actions of the applicant. Instead, they result from LDC requirements pertaining to the minimum ESOZ setback of 75' from the ordinary high waterline for all structures.

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 work unnecessary and undue hardship on the applicant.

Analysis: As mentioned above, most of the lots on Lake Weir were developed long before there were any ESOZ requirements. Almost all of these lots require a variance for the addition of a pool and deck. This pool will be further from the lake than the home of our neighbor to the west.

Staff finds the requested variance has been similarly requested, and granted for a majority of the surrounding properties. This single-family residence was built prior to the current ESOZ requirements limiting any future improvements. An example is case 240303V which reduced ESOZ front setback from 75' to 70' and also 75' to 20' for a proposed 60' X 10' inground pool with deck in an R-1 Zoning.

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

Analysis: A 30' pool and deck are not large. The western end of the pool and deck will be about 45' from the mean high-water line.

Staff finds that for the proposed 38' X 30' pool and deck, the requested 35' setback is the minimum setback needed for the size of the proposed pool and decking as requested by the applicant.

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: As stated above, because these lots were developed and homes constructed prior to the ESOZ requirements added to the LDC, it is common for the homes to be granted variances for the addition of a pool and deck to the lakeside of their home.

Staff finds that granting of the request will not confer on the applicant any special privilege because the surrounding lots also have accessory structures located in the same area and many of them were granted some sort of reduced setbacks for development similar to that being requested.

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

Analysis: As stated above, the home to the west of our property is closer to the lake than our pool will be.

Staff finds that if variance is granted, it would not be injurious to the neighborhood as long as the applicant pulls the correct permits and gets them approved.

VI. LIST OF ATTACHMENTS

- A. Application
- B. Marion County Property Appraiser Property Record Card, 2024 Certified Assessment Roll
- C. Site Plan
- D. Deed
- E. 300' Mailing Map
- F. Aerial View
- G. Platted Subdivision
- H. Photos



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: CLINT B.

Date Received: 2/02/24

240501V

VARIANCE APPLICATION AR#: 31144

Application #: 240501V
FOR COUNTY USE ONLY

PA#: 4825-014-000

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:

Asking a reduction from the 75' lakeside setback to 35' to add a pool.

if the ES02 front setback from 75' to 35' for a proposed pool and deck (38' x 30')

Section of Code requesting variance from: 4.2.9E & 5.2.4.A

Legal Description (Please attach a copy of deed). Total Acreage of subject property: 1.25 +/- acres

Directions to subject property:

Turn on Sunset Harbor Road from 441. Property will be approximately 0.25 miles past SE 105th Avenue on the left.

Property Address is 10695 SE Sunset Harbor Road.

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.

(Print/Signature) Property Owner

Jason Clark *and Rebecca Clark*

Address

10695 SE Sunset Harbor Rd.

City, State, Zip Code

Summerfield, FL 34491

Contact Info: Phone, cell, e-mail address
352-895-7727 jclark.uf@gmail.com

(Print) Applicant or Agent

Edward Abshier

Address

P.O. Box 2770

City, State, Zip Code

Belleview, FL 34421

Contact Info: Phone, cell, e-mail address
352-266-9555 ed@abshiereng.com

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.

PROJECT 2021020116
AR 31144

Ser. 26-17-23
"Sunset Acres"

"Meeting Needs by Exceeding Expectations"



Marion County
Board of County Commissioners
Growth Services & Planning
17101 S. Lee Springs Blvd.
Suite 100, 34406
Phone: 352-438-7675
Fax: 352-438-7676

OFFICE USE ONLY

Received By _____

Date Received _____

VARIANCE APPLICATION

Application # _____
FOR COUNTY USE ONLY

4825-014-000

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:

Asking for a reduction from the 75' lakeside ESOZ setback to 35' to add a pool and deck.

Section of Code requesting variance from 4.2.9E & 5.2.4.A

Legal Description (Please attach a copy of deed). Total Acreage of subject property 1.25 acres

Directions to subject property:
Turn on Sunset Harbor Road from 441. Property will be approximately 0.25 miles past SE 105th Avenue on the left.
Property Address is 10695 SE Sunset Harbor Road.

Property owner must sign this application. Otherwise he/she must attach to this application

Jason Clark
Jason Clark
10695 SE Sunset Harbor Rd.
City, State / Zip Code
Summerfield FL 34491

Edward Abshier
(Print) Applicant or Agent
Edward Abshier
Address
P.O. Box 2770
City, State / Zip Code
Bellevue, FL 34421

Contact Info: Phone, cell, e-mail address:
352-895-7727 jclark.uf@gmail.com

Contact Info: Phone, cell, e-mail address:
352-266-9555 ed@abshiereng.com

THE FILING FEE IS NON-REFUNDABLE. WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUESTS 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 ELIGIBLE 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.

"Meeting Needs by Exceeding Expectations"

www.marioncountyclerk.org

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:

This home was constructed in 1970. There were no ESOZ requirements at this time. There was no way of knowing that future requirements would not allow for the addition of a pool on the lake side of the home. This type of variance is common on Lake Weir.

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

Applicant's justification:

This home was constructed in 1970. There were no ESOZ requirements at this time. There was no way of knowing that future requirements would not allow for the addition of a pool on the lake side of the home. This type of variance is common on Lake Weir.

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:

As mentioned above, most of the lots on Lake Weir were developed long before there were any ESOZ requirements. Almost all of these lots require a variance for the addition of a pool. This pool will be further from the lake than the home of our neighbor to the west.

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

Applicant's justification:

A 30' pool and deck is not a large. The western end of the pool and deck will be about 45' from the mean high water line.

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 stated above, because these lots were developed and homes constructed prior to the ESOZ requirements added to the LDC, it is common for the homes to be granted variances for the addition of a pool or deck to the lake side of their home.

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

Applicant's justification:

As stated above, the home to our west is closer to the lake than this pool will be.

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

4825-014-000 ✓

[GOOGLE Street View](#)

Prime Key: 1161797

[Beta MAP IT+](#)

Current as of 2/7/2024

[Property Information](#)

CLARK JASON ✓
 CLARK REBECCA
 10695 SE SUNSET HARBOR RD
 SUMMERFIELD FL 34491-7621

[Taxes / Assessments:](#)

Map ID: 277

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

Acres: 1.25

✓ Situs: 10695 SE SUNSET HARBOR RD
 SUMMERFIELD

[2023 Certified Value](#)

Land Just Value	\$215,865	
Buildings	\$192,172	
Miscellaneous	\$1,684	
Total Just Value	\$409,721	Ex Codes: 01 38
Total Assessed Value	\$409,721	
Exemptions	\$0	
Total Taxable	\$409,721	

[History of Assessed Values](#)

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$215,865	\$192,172	\$1,684	\$409,721	\$409,721	\$0	\$409,721
2022	\$215,865	\$171,608	\$1,752	\$389,225	\$389,225	\$0	\$389,225
2021	\$179,610	\$120,784	\$1,670	\$302,064	\$283,920	\$0	\$283,920

[Property Transfer History](#)

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
8100/0712	07/2023	07 WARRANTY	9 UNVERIFIED	Q	I	\$625,000
7427/0427	03/2021	07 WARRANTY	9 UNVERIFIED	Q	I	\$505,000
6989/1964	04/2019	07 WARRANTY	0	U	I	\$100
6716/1993	02/2018	07 WARRANTY	4 V-APPRAISERS OPINION	U	I	\$225,000
6059/1249	02/2013	71 DTH CER	0	U	I	\$100
1732/0801	04/1991	07 WARRANTY	0	U	I	\$100
1431/0580	06/1987	07 WARRANTY	9 UNVERIFIED	U	I	\$150,000
0512/0794	06/1972	02 DEED NC	0	U	I	\$61,500

[Property Description](#)

SEC 26 TWP 17 RGE 23 ✓

PLAT BOOK F PAGE 025

SUNSET ACRES ✓

PORTION OF LOT 14 DESCRIBED AS:

E 65 FT OF LOT 14 EX W 45 FT OF S 398 FT THEREOF

& W 5 FT OF E 70 FT OF N 282 FT OF S 680 FT OF LOT 14

& W 20 FT OF E 85 FT OF N 250 FT OF S 930 FT OF LOT 14

Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
0130		85.0	548.0	R1 ✓	85.00 FF							
9430		20.0	398.0	R1	.18 AC							
Neighborhood 8090A - LAKE WEIR (SOUTH & SOUTHWEST)												
Mkt: 10 70												

Traverse**Building 1 of 1**

RES01=U24R40D24L40.R40U24

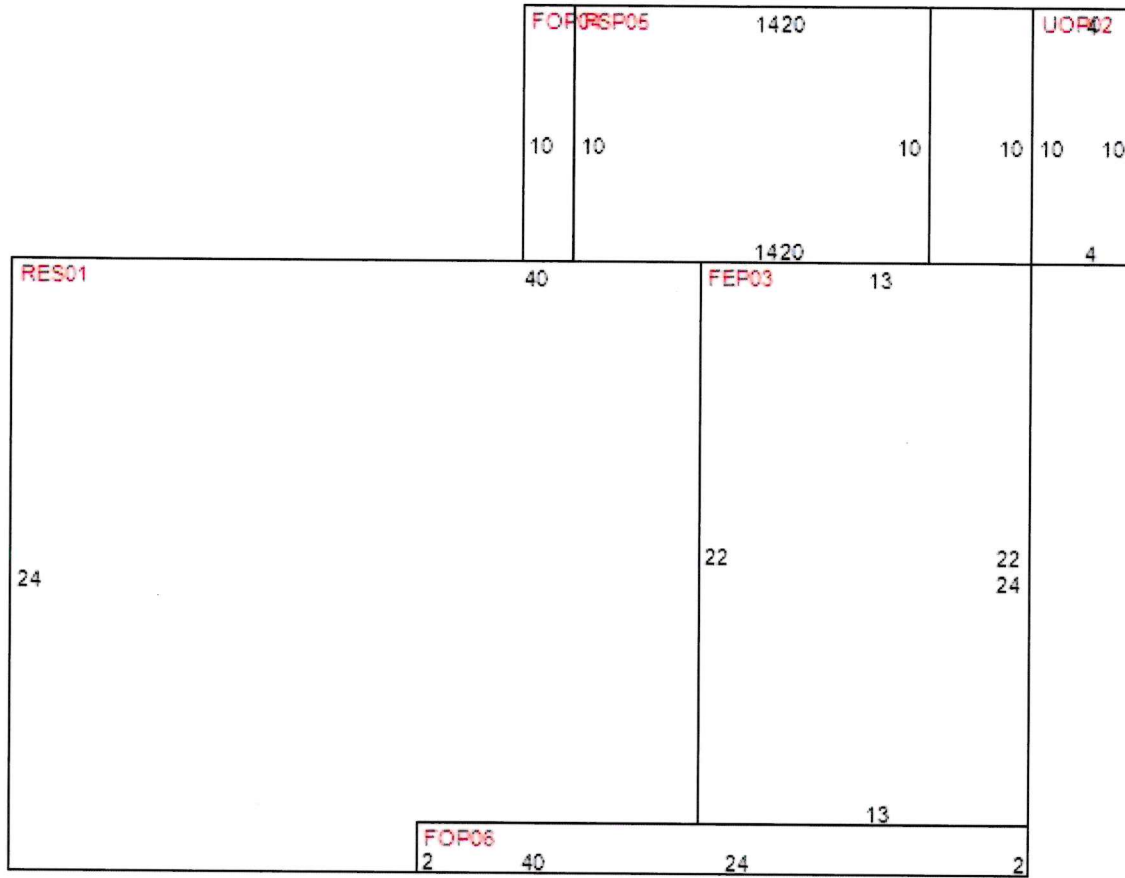
UOP02=R4U10L4D10.D22

FEP03=L13U22R13D22.U22

FOP04=U10L20D10R20.L4

FSP05=U10L14D10R14.D22L20

FOP06=D2R24U2L24.



Building Characteristics

Improvement 1F - SFR- 01 FAMILY RESID
Effective Age 3 - 10-14 YRS
Condition 1
Quality Grade 600 - AVERAGE
Inspected on 11/18/2020 by 225

Year Built 1970
Physical Deterioration 0%
Obsolescence: Functional 0%
Obsolescence: Locational 0%
Architecture 0 - STANDARD SFR
Base Perimeter 128

Type ID	Exterior Walls	Stories	Year Built	Finished Attic	Bsmt Area	Bsmt Finish	Ground Floor Area	Total Flr Area
RES 01 29	- VINYL SIDING	1.65	1970	N	0 %	0 %	960	1,584
UOP 02 01	- NO EXTERIOR	1.00	1970	N	0 %	0 %	40	40
FEP 03 29	- VINYL SIDING	1.00	1970	N	0 %	0 %	286	286
FOP 04 29	- VINYL SIDING	1.00	1990	N	0 %	0 %	200	200
FSP 05 29	- VINYL SIDING	1.00	1990	N	0 %	0 %	140	140
FOP 06 01	- NO EXTERIOR	1.00	1970	N	0 %	0 %	48	48

Section: 1

Roof Style: 10 GABLE	Floor Finish: 24 CARPET	Bedrooms: 3	Blt-In Kitchen: Y
Roof Cover: 16 GALVANIZED MTL	Wall Finish: 16 DRYWALL-PAINT	4 Fixture Baths: 0	Dishwasher: N
Heat Meth 1: 22 DUCTED FHA	Heat Fuel 1: 10 ELECTRIC	3 Fixture Baths: 2	Garbage Disposal: N
Heat Meth 2: 00			Garbage Compactor: N

Foundation: 5 CONCRETE SLAB
A/C: Y

Heat Fuel 2: 00
Fireplaces: 1

2 Fixture Baths: 0 **Intercom:** N
Extra Fixtures: 2 **Vacuum:** N

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
256 WELL 1-5 BTH	1.00	UT	99	1975	2	0.0	0.0
190 SEPTIC 1-5 BTH	1.00	UT	99	1975	2	0.0	0.0
159 PAV CONCRETE	144.00	SF	20	2001	3	0.0	0.0
159 PAV CONCRETE	390.00	SF	20	2020	3	0.0	0.0
116 FENCE VINYL	16.00	LF	99	2020	4	0.0	0.0

Appraiser Notes

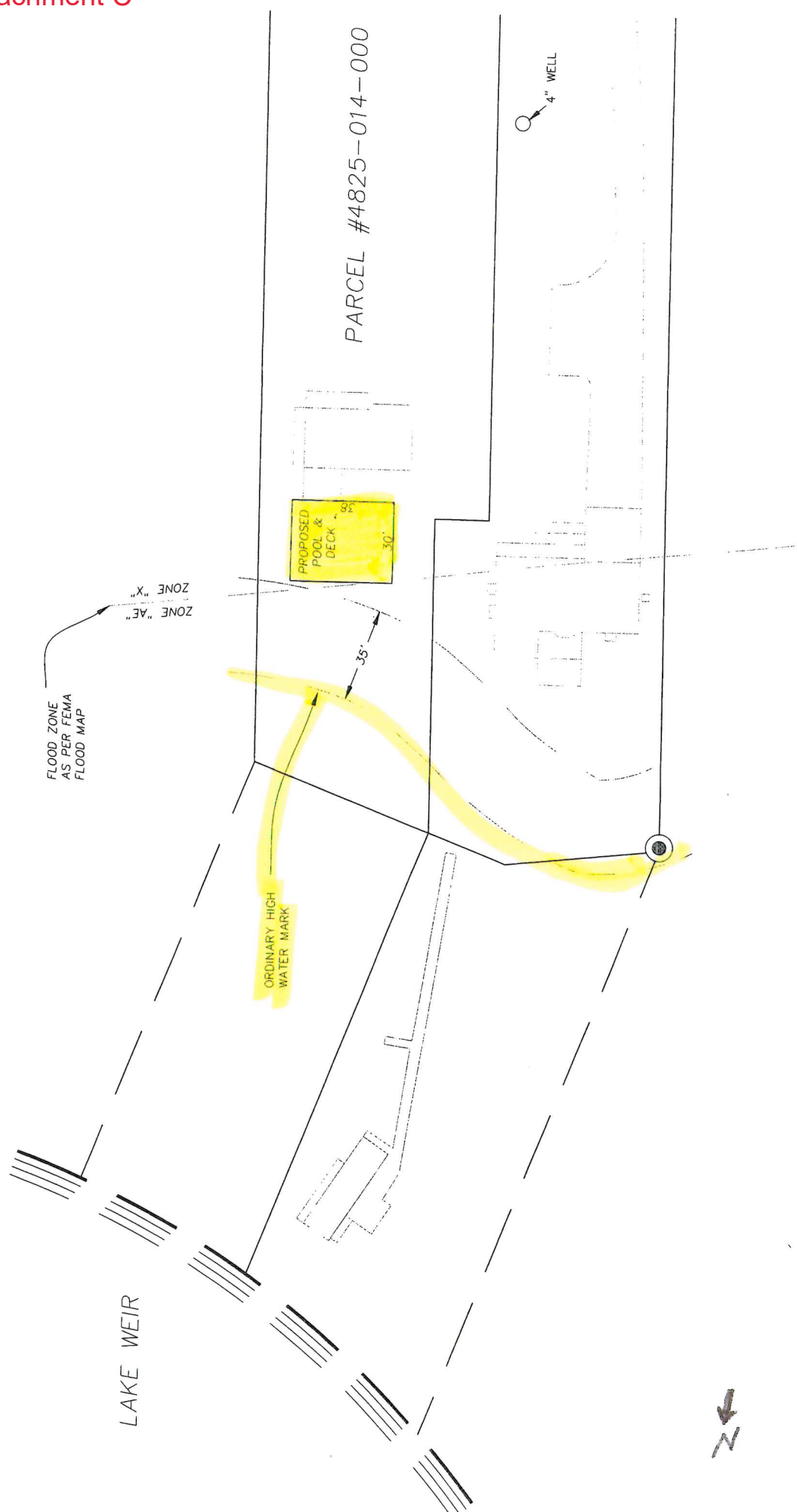
EST INTERIOR
2 UDC N/A 1 ADU N/A

TOP FLOOR TRAVERSED= 960 SQ FT W/O
-20X10 FOP
-4X24 FOP

1ST FLOOR= 626 SQ FT W/O
-10X14 FVP
-4X34 UOP
-13X22 FEP

Planning and Building
** Permit Search **

Permit Number	Date Issued	Date Completed	Description
2019010714	12/4/2019	12/4/2019	INTERIOR REMODEL TO INCLUDE PLUMBING WINDOWS ELECTRIC FLOORS
2019091871	9/25/2019	1/28/2020	RESIDENTIAL DRIVEWAY
2019050384	5/6/2019	11/18/2019	REROOF METAL OVER EEX SHINGLESUNDERLAYMENT 15 SQUARES. TRI
M030875	3/1/2000	9/1/2001	ADDITION



THIS INSTRUMENT PREPARED BY AND RETURN TO:

Shannon Drivas

Equitable Title of Ocala, LLC

109 SE 1st Avenue

Ocala, FL 34471

OC230359

Property Appraisers Parcel Identification (Folio) Number:

4825-014-000 ✓

WARRANTY DEED

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made this 13th day of July, 2023 by Garrett Suydam and Kimberly Suydam, husband and wife herein called the grantor(s), to Jason Clark and Rebecca Clark, husband and wife, ✓
whose post office address is

10695 SE Sunset Harbor Rd Summerfield FL 34491
hereinafter called the Grantee(s):

(Wherever used herein the terms "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)

W I T N E S S E T H: That the grantor(s), for and in consideration of the sum of **SIX HUNDRED TWENTY FIVE THOUSAND AND 00/100 DOLLARS (U.S. \$625,000.00)** 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, State of Florida**, viz.:

Portions of Lot 14, Sunset Acres, Plat Book "F", Page 25, Marion County, Florida, more particularly described as:

The East 65 feet of Lot 14, Except the West 45 feet of the South 398 feet thereof; and the West 5 feet of the East 70 feet of the North 282 feet of the South 680 feet of Lot 14; and the West 20 feet of the East 85 feet of the North 250 feet of the South 930 feet of Lot 14.

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(s) hereby covenant(s) with said grantee(s) that the grantor(s) is/are lawfully seized of said land in fee simple; that the grantor(s) has/have good right and lawful authority to sell and convey said land, and hereby warrant(s) 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, 2022.

IN WITNESS WHEREOF, the said grantor(s) has/have signed and sealed these presents the day and year first above written.

Page 1-Warranty Deed

Signed, sealed and delivered in the presence of:

Elizabeth Page
Witness #1 Signature

Elizabeth Page
Witness #1 Printed Name

Shannon Drivas
Witness #2 Signature

Shannon Drivas

Witness #2 Printed Name

Garrett Suydam
Garrett Suydam

Kimberly Suydam
Kimberly Suydam

Whose mailing address is:

13050 E HWY 25
Ocklawaha FL 32179

State of
County of

Florida
Marion

The foregoing instrument was acknowledged before me by means of (☒) physical presence or () online notarization, this 13 day of July, 2023, by Garrett Suydam and Kimberly Suydam, who () are personally known to me or () have produced ALDL as identification.

SEAL



Shannon Drivas
Notary Public

Printed Notary Name

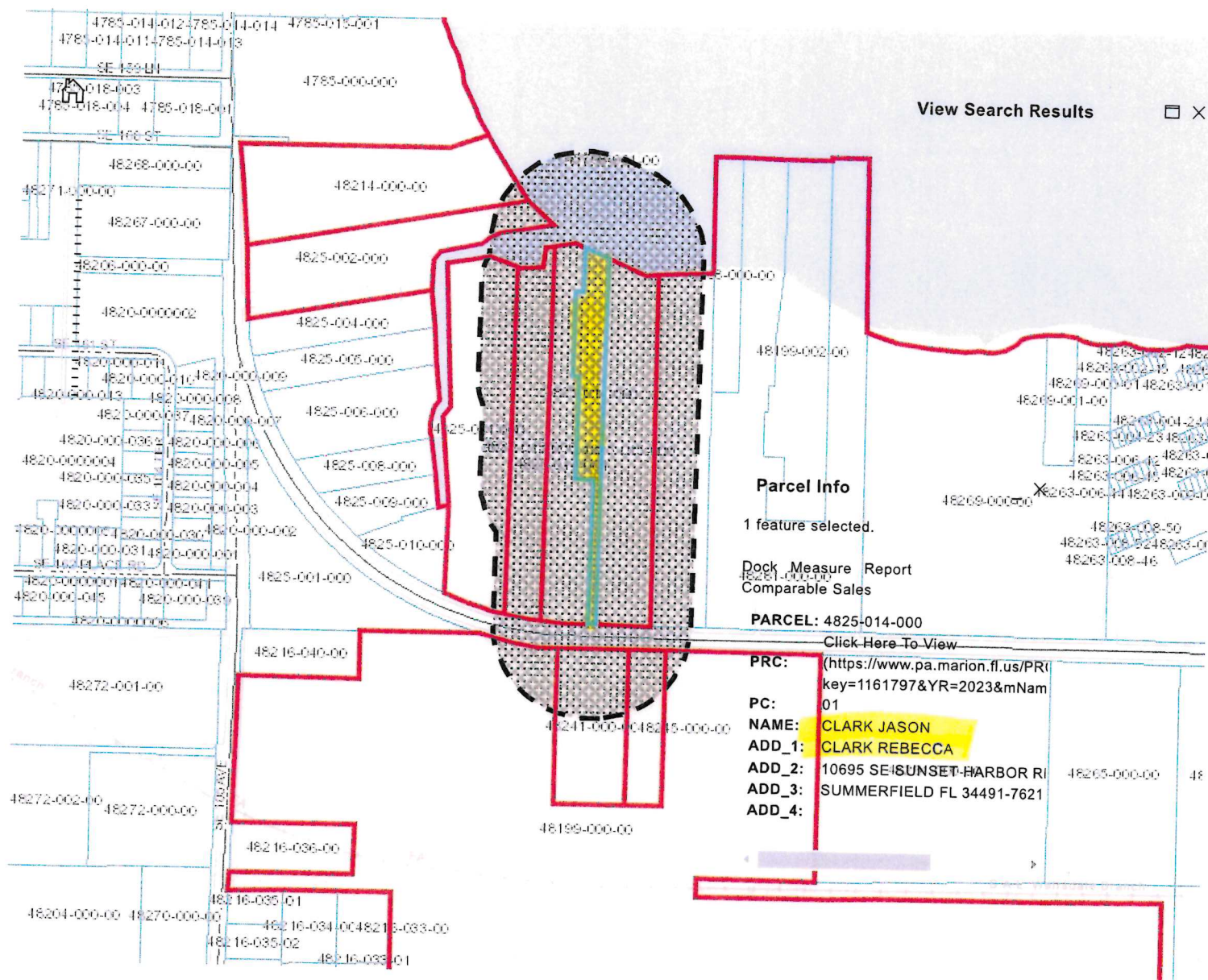
My Commission Expires:

Page 2- Warranty Deed



Jimmy H. Cowan, Jr., CFA
Marion County Property Appraiser - Beta Map It+

Updated every 24 hrs








300ft
2023-12-19A

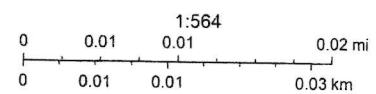
<https://www.pa.marion.fl.us/patviewer/>

[Click here for Legal Disclaimer](#)



2/7/2024, 10:21:52 AM

- | | | | |
|---|---------------|---|---------------|
|  | Marion County |  | Red: Band_1 |
|  | Parcels |  | Green: Band_2 |
|  | Special Use |  | Blue: Band_3 |

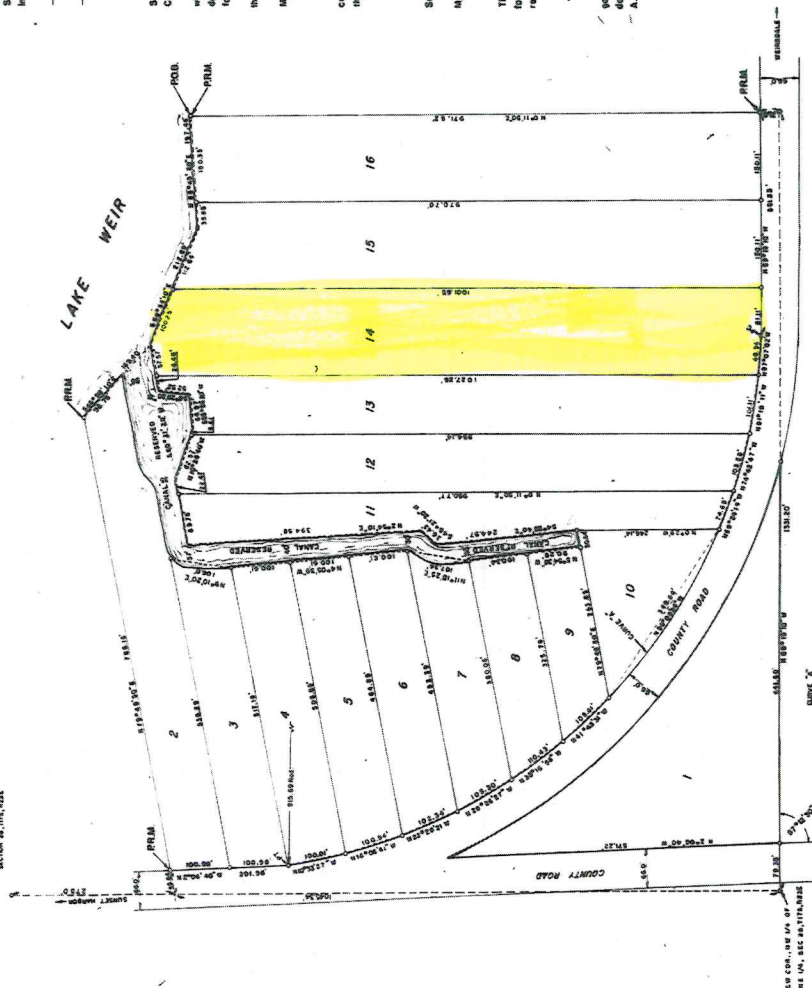


Marion County Property Appraiser
 Esri, Community Maps Contributors, Marion County Property
 Appraiser, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom,
 Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS,
 EPA, NPS, US Census Bureau, USDA, USFWS

SUNSET ACRES

BEGINNING AT THE LOW WATER MARK OF LAKE WEIR ON THE EAST BOUNDARY LINE OF GOVERNMENT LOT 2, (also described as the West 1/2 of the Northeast 1/4), OF SECTION 26, TOWNSHIP 17 SOUTH, RANGE 23 EAST; RUN THENCE SOUTH, ALONG THE EAST BOUNDARY LINE OF SAID GOVERNMENT LOT 2, TO THE CENTER LINE OF A PAVED ROADWAY WHICH INTERSECTS THE SAID NORTHEAST 1/4 OF SAID SECTION, TOWNSHIP AND RANGE IN AN EASTERLY AND WESTERLY DIRECTION IN THE APPROXIMATE CENTER THEREOF; RUN THENCE WESTERLY, PARALLEL TO THE SOUTH BOUNDARY LINE OF SAID GOVERNMENT LOT, 1350 MORE OR LESS TO THE WESTERN BOUNDARY LINE OF SAID GOVERNMENT LOT, THENCE IN A NORTHERLY DIRECTION, ALONG THE WESTERN BOUNDARY LINE OF SAID GOVERNMENT LOT 2, TO A POINT 270' SOUTH OF THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 2; THENCE NORTH 79° 46' 50" EAST, 832' MORE OR LESS TO THE WATERS OF LAKE WEIR; THENCE IN A SOUTHEASTERLY DIRECTION, ALONG THE LOW WATER MARK OF SAID LAKE, TO THE POINT OF BEGINNING. LESS AND EXCEPT THOSE PORTIONS OF THE SAID HEREINBEFORE DESCRIBED PROPERTY NOW USED FOR HIGHWAY RIGHT OF WAY PURPOSES.

NO. 3417
1/4 CORNER GOVERNMENT LOT 2, T17N, R23E



STATE OF FLORIDA
COUNTY OF MARION

We, the undersigned, the surveyor of the land shown on this plat, do hereby authorize the same to be recorded in the Public Records of Marion County, Florida, and by our execution, do authorize the dedication to the public forever the Arrows and Streets as shown on this plat.

Witness, our hands and seals this 15th day of June, 1955

Signed, sealed and delivered,
in the presence of:
John F. Nicholson
E. J. Harrison

James O. McMillan
John F. Nicholson
L. C. Harrison

William R. Harrison
Charles E. Harrison
John F. Harrison

STATE OF FLORIDA
COUNTY OF MARION

I, hereby CERTIFY that Carroll J. McMillan and wife Nellie Gladys McMillan, and Lester C. Bates and wife Willie Mae Bates, and Samuel O. Bates and wife Mildred Clara Bates whose names are signed to the foregoing dedication, and who are well known to me, appeared before me, this day and acknowledged that they executed the same for the purposes and to the effect herein stated.

WITNESS, my hand and official seal at _____, County of Marion and State of Florida, this 15th day of June, A.D. 1955

My commission expires: Dec. 24th 1957

James O. McMillan
Notary Public, State of Florida at Large

I, JACK W. JEFFREY, of the Marion Engineering Associates, Inc., the surveyor making this plat, do hereby certify that it is a correct representation of the land platted and permanent reference monuments have been placed hereon as called for under Section 7, Chapter 10275, Laws of Florida.

Subscribed and sworn to before me this 15th day of June, A.D. 1955

My commission expires: Dec. 30th 1957

James O. McMillan
Notary Public, State of Florida at Large

This certifies that this plat was presented to the Board of Commissioners of Marion County, Florida and approved by them for record on the 15th day of June, A.D. 1955. This does not constitute an approval of title and no reference is made hereof or to the value of the land.

Chairman
Notary

I, JOHN F. NICHOLSON, Clerk of the Circuit Court of Marion County, Florida, do hereby certify that this plat conforms to the provisions of Section 7 Chapter 10275, Laws of Florida, was filed for record on the 15th day of June, A.D. 1955 and was recorded in the PUBLIC RECORDS of said County on the 15th day of June, A.D. 1955 in Plat Book F, Page 25.

John F. Nicholson
Clerk

PREPARED BY
MARION ENGINEERING ASSOCIATES INC.
P.O. BOX 633
OCALA, FLORIDA
APRIL 18 1955
SCALE 1"=100'
0"=1/4" CONCRETE MONUMENTS



Looking north at roadside of home, lake is behind the home.



Looking northeast at home (side yard)



Looking northwest at home (side yard)



Looking north towards the lake, open area is where the proposed pool with deck will be located



Looking south at the lakeside of the home



Looking south at the lakeside of the home



Looking south at the proposed pool with deck area



Looking southwest at the proposed pool with deck area



Looking west at the proposed pool with deck area



Looking east at the proposed pool with deck area



Sign posting



Marion County Board of Adjustment

Agenda Item

File No.: 2024-14973

Agenda Date: 5/6/2024

Agenda No.: 2.2.

SUBJECT:

240502V - Jerry L and Darlene M. Morgan, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front setback from 25' to 20' for an existing 6'x45' covered walkway (pan-roof), in a One- and Two-Family Dwelling (R-2) zone on Parcel Account Number 35322-010-01, addressed as 10350 SW 92nd Court, Ocala, FL 34481.

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
May 6, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	240502V
CDP-AR	31080
Type of Case	Variance to reduce front setback from 25' to 20' for a 5'x48' pan roof cover across front of home.
Owner	Jerry and Darlene Morgan
Applicant	Mark Tucker - White Aluminum
Street Address	10350 SW 92 ND Court, Ocala
Parcel Number	35322-010-01
Property Size	.32 acres
Future Land Use	High Density Residential
Zoning Classification	One and Two-Family Dwelling (R-2)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Urban Growth Boundary
Project Planner	Elizabeth Madeloni, Zoning Technician III
Related Case(s)	Open Code Case 887732- Expired permit 2020052505 for 10'x13' screen room and patio roof; Required inspections never completed.

I. ITEM SUMMARY

This is a variance request filed by the applicant Mark Tucker, with White Aluminum, on behalf of Jerry and Darlene Morgan, from the Land Development Code (LDC) Section 4.2.10 E, attached structures to the home are required to meet the Single-Family Residential (SFR) setbacks. The Land Development Code states that in R-2 zoning, the SFR setbacks are 25' from the front property line, 15' from rear property line, and 8' from both side property lines. The applicant is requesting to have a front setback reduction from the required 25' to 20'.

FIGURE 1
GENERAL LOCATION MAP



II. PUBLIC NOTICE

Notice of public hearing was mailed to (20) property owners within 300 feet of the subject property on April 19, 2024. A public notice sign was posted on the subject property on March 12, 2024 (Figure 2), and notice of the public hearing was published in the Star-Banner on April 22, 2024. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

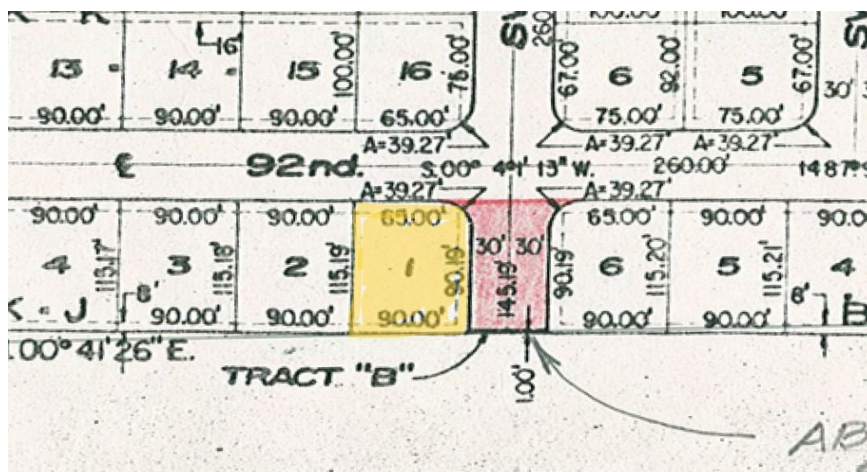
The subject .32-acre lot is located within the recorded subdivision, Pine Run Estates II. The property has a High Residential Future Land Use Map Series (FLUMS) designation with an R-2 Zoning Classification. LDC Section 4.2.10.E provides the determined setbacks to be a minimum 25' front setback, minimum 15' rear setback, and minimum 8' sides setback.

The .32-acre subject property is displayed as Lot 1, Block J, Plat Book V Page 045 in Pine Run Estates II. The property has 115' depth with 95' width. The platted right of way directly along the south side of Lot 1 was abrogated and 30' of said right of way was given to Lot 1 as shown in Figure 3, increasing the 65' lot width fronting SW 92nd Court to 95'.

Figure 2
Morgan Property



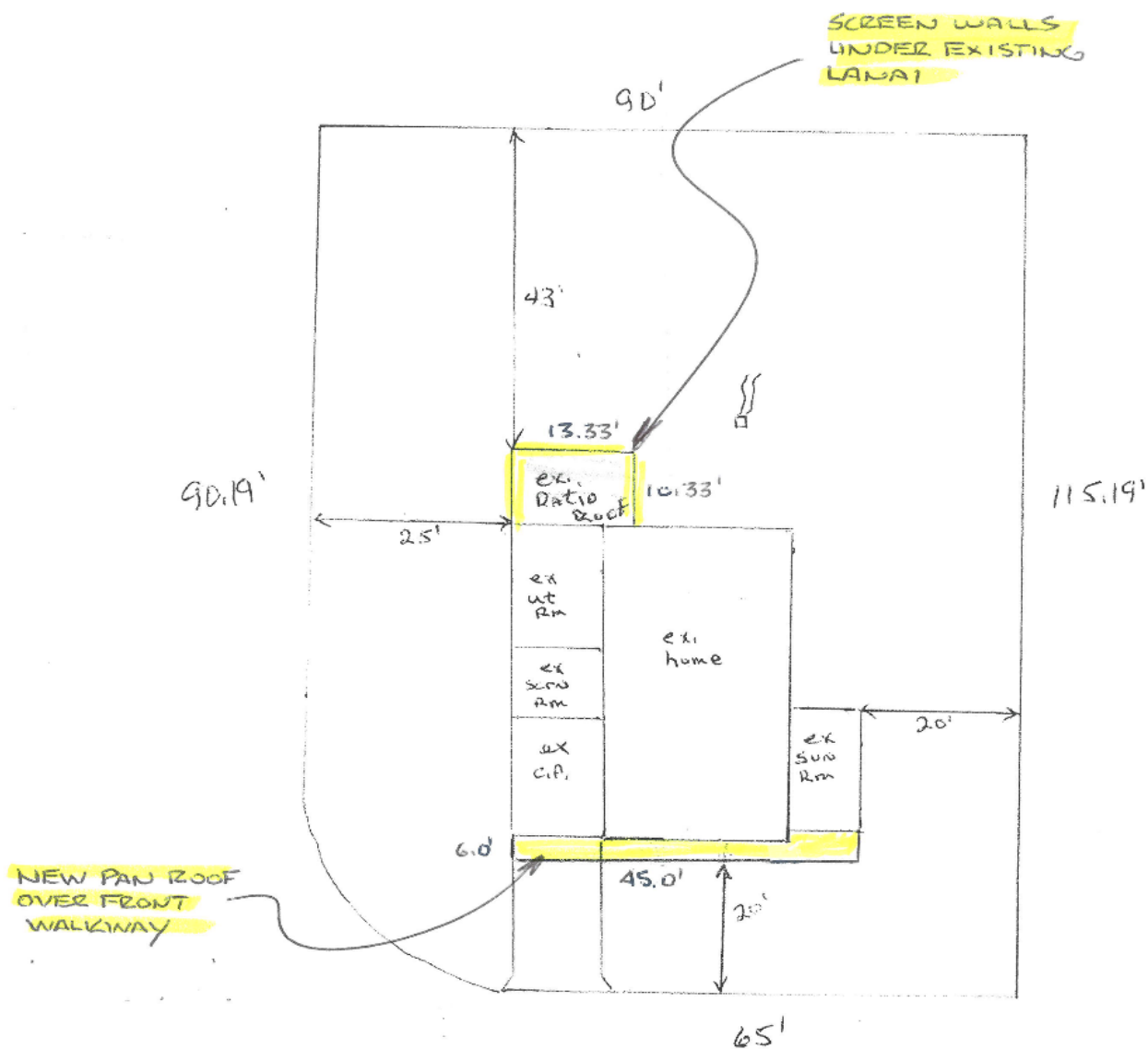
Figure 3
Abrogated Road/ Right of Way



IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 20' for an existing pan roof. Consistent with LDC Section 2.9.3.B., on March 12, 2024, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

**Figure 4
Site Plan**



10350 SW 92nd Ct

1"=20'

ANALYSIS

LDC Section 2.9.4.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. The six (6) criteria and the staff's analysis of compliance with those criteria are provided below.

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

Analysis: Applicant states they are requesting a reduction to the front 25' setback to 20' for an existing roof overhang to cover an open porch area of 6'x 45'.

Staff inspected the property to measure the front setback request and concurs with the above 20' setback request of the applicant. The site plan provided with the original Building permit for screen room and pan roof was not flagged by Zoning as Zoning was somehow left off of the plan review list, so there was not an indication that they were encroaching on setbacks.

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

Analysis: The original permit for the pan roof across the front of the home was issued in 2020, permit 2020052505. This permit was never sent to the zoning department for review approval. We were issued the permit and built it according to the site plan that was submitted. The final inspection was never requested, mainly because most of the staff was working from home due to COVID-19. Marion County made us reapply, 2023081962, but they would not issue it to us unless we apply and receive a variance for the reduction of 5ft front encroachment.

Staff reviewed the above and found the permits and open code case are for both the porch overhang as well as the 10'x13' screen room. The above reference from the applicant is correct in saying the zoning department was not on the original permit back in 2020 for a review and the permit from 2020 expired due to applicant not completing their final inspections. Therefore when it came time to reissue the permit as permit 2023081962, Zoning was included on this one and it was rejected by the Zoning Dept. for not meeting the original setbacks.

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 work unnecessary and undue hardship on the applicant.

Analysis: Granting the variance request would not be irregular to the surrounding area. This would not adversely effect any property owners.

Staff finds the 30' right of way is actually 10' of roadway and the other 20' is included as part of their front yard like the other neighbors. Therefore, all other surrounding properties in the area have the same conditions. Due to the incident

from the Zoning dept. not being on the original permit review in 2020, it would create an undue hardship on the applicant as the contractor and homeowner already were provided the issued permit through the building dept without the Zoning department's knowledge.

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

Analysis: We are requesting a variance approval of a 5' encroachment to the front property line. The structure was built assuming everything was reviewed and approved since the permit was issued to us.

Staff confirms the applicants request is the minimum variance to allow reasonable use of the land for the open patio area.

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: The only privilege would be the 5' front variance.

Staff finds granting any variance is a privilege, however, due to the structure being an open patio area of six feet along the front of the home and the entire neighborhood having the same extended front yard due to the extra feet of right of way added to everyone's front yard, the variance wouldn't negatively impact the neighborhood.

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

Analysis: It will not affect the neighborhood negatively in anyway.

Staff confirms the neighborhood has the same extended right of way merged into their front yards and the variance will not be detrimental to the public welfare. The request is for an open patio area 6 feet wide that has a roof over. The previous 10'x13' screen room is not an issue, it is just the front overhang of the open 6' wide patio area that required a variance.

V. LIST OF ATTACHMENTS

- A. Application – Variance filed by Mark Tucker, January 23, 24
- B. Site Plan
- C. Marion County Property Appraiser Property Record Card
- D. 300' Mailing Radius Map
- E. Area Map of Zoning Classifications
- F. Warranty Deed



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

APPLICATION COMPLETE

DATE COMPLETED 1/24/24
INITIALS [Signature]

TENTATIVE MEETING DATES

BOA 4/01/24
P&Z PH

OFFICE USE ONLY

Received By: Lynda Smite

Date Received: 1/23/24

#240502V

VARIANCE APPLICATION

AR#: 31080

Application #: _

FOR COUNTY USE ONLY

PA#: 35322-010-01

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:

ALLOWING A 6' x 45' PAN ROOF COVER ACROSS THE FRONT OF THE HOME TO REMAIN, WHITE ALUMINUM RECEIVE THE PERMIT # 2020052505 BUT THE SITE PLAN WAS NEVER GIVEN TO ZONING, WE BUILT ADDITION ASSUMING EVERYTHING HAD VARIANCE FROM 25' TO 20' FRONT SETBACK, for an existing * (and) BEEN APPROVED

Section of Code requesting variance from:

walkway

Legal Description (Please attach a copy of deed). Total Acreage of subject property: .23 +/- acres

Directions to subject property:

1 R-2 32 per PA

HEADING SOUTHWEST ON HWY 200 FROM OCALA, TURN RT INTO PINE RUN ON SW 88TH TERRACE, TURN LEFT ON SW 103RD LN, TURN RT. ON SW 92ND CT, HOUSE IS ON LEFT SIDE

Site: 10350 SW 92nd Ct, Ocala, FL

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.

Jerry L. Morgan
(Print/Signature) Property Owner

10350 SW 92ND CT. ✓

Address

OCALA, FL 34481

City, State, Zip Code

352-462-1497

NO E-MAIL

Contact Info: Phone, cell, e-mail address

Jerry Morgan 4482 @ G-mail.com

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.

PROJECT 2024010067

AR 31080

"Meeting Needs by Exceeding Expectations"

Sec: 26-16-20

"Pine Run Estates II"

Code Case: 646592-RA

Beleg



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: _____

Date Received: _____

VARIANCE APPLICATION

Application #: _____

FOR COUNTY USE ONLY

35322-010-01

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:

Requesting a reduction of the front setback, RM
Roof cover, (6x4) (patch), RM
From 25'-0" To 20'-0" for an existing porch

Section of Code requesting variance from: _____

Legal Description (Please attach a copy of deed). Total Acreage of subject property: .23 +/- acres

Directions to subject property:

HEADING SOUTHWEST ON HWY 200 FROM OCALA, TURN RT INTO PINE RUN
ON SW 88TH TERRACE, TURN LEFT ON SW 103RD LN, TURN RT. ON SW 92ND CT,
HOUSE IS ON LEFT SIDE

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.

Harry Morgan
(Print/Signature) Property Owner

10350 SW 92ND CT.

Address

OCALA, FL 34481

City, State, Zip Code

517-462-1497 NO E-MAIL

Contact Info: Phone, cell, e-mail address

MARK TUCKER - WHITE ALUMINUM
& WINDOWS
(Print) Applicant or Agent

2101 U.S. Hwy 441

Address

LEESBURG, FL. 34748

City, State, Zip Code

352-787-6783 permitting@whitealuminum.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.

"Meeting Needs by Exceeding Expectations"

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 front setback
Requesting a reduction of 25'-0" To 20'-0" for an existing
PAC roof cover, 6' X 45' porch

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

Applicant's justification:

ORIGINAL PERMIT FOR PAN ROOF ACROSS THE FRONT OF HOME WAS ISSUED IN 2020, PERMIT # 2020052505, PERMIT WAS NEVER SENT TO ZONING FOR APPROVAL, WE WERE ISSUED THE PERMIT AND BUILT IT ACCORDING TO THE SITE PLAN THAT WAS SUBMITTED, THE FINAL INSPECTION WAS NEVER REQUESTED MAINLY BECAUSE MOST OF OUR STAFF WAS WORKING FROM HOME DUE TO COVID-19, MARION CO. MADE US RE-APPLY FOR A NEW PERMIT (#2023081962) BUT THEY WILL NOT ISSUE IT TO US UNLESS WE APPLY & RECEIVE THE VARIANCE FOR THE 5'-0" FRONT ENCROACHMENT.

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:

Granting The Variance request would not be irregular To The surrounding area This would not adversely effect any property owners

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

Applicant's justification:

WE ARE REQUESTING A VARIANCE APPROVAL FOR A
5'-0" ENCROACHMENT TO THE FRONT PROPERTY LINE.

STRUCTURE WAS BUILT ASSUMING EVERYTHING WAS REVIEWED
AND APPROVED SINCE THE PERMIT WAS ISSUED TO US.

requesting a reduction from 25'-0" to 20'-0"

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:

THE ONLY PRIVILEGE WOULD BE THE 5'-0" FRONT
VARIANCE

FROM 25'-0" TO 20'-0"

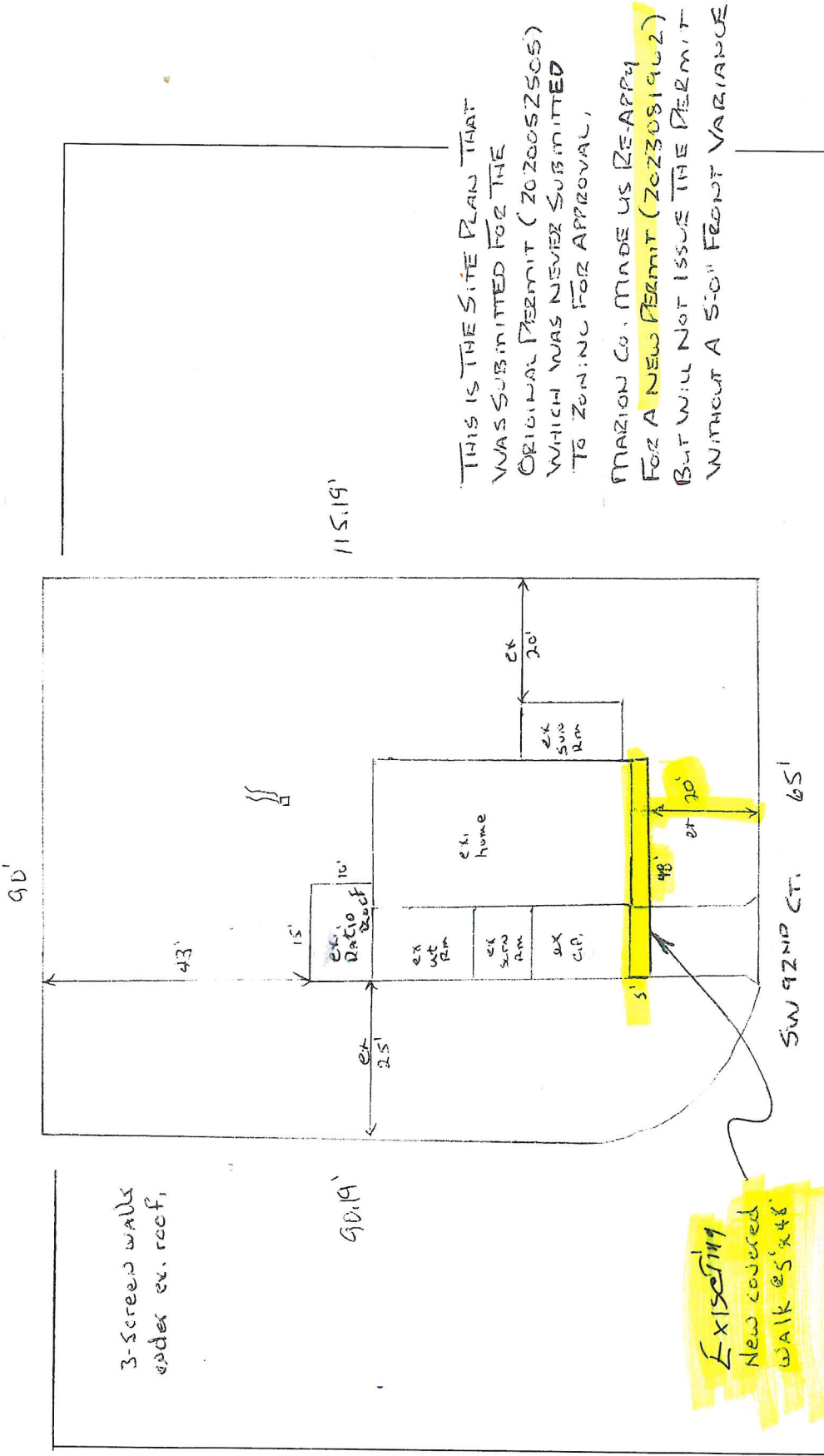
F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's justification:

IT WILL NOT EFFECT THE NEIGHBORHOOD NEGATIVELY
IN ANY WAY

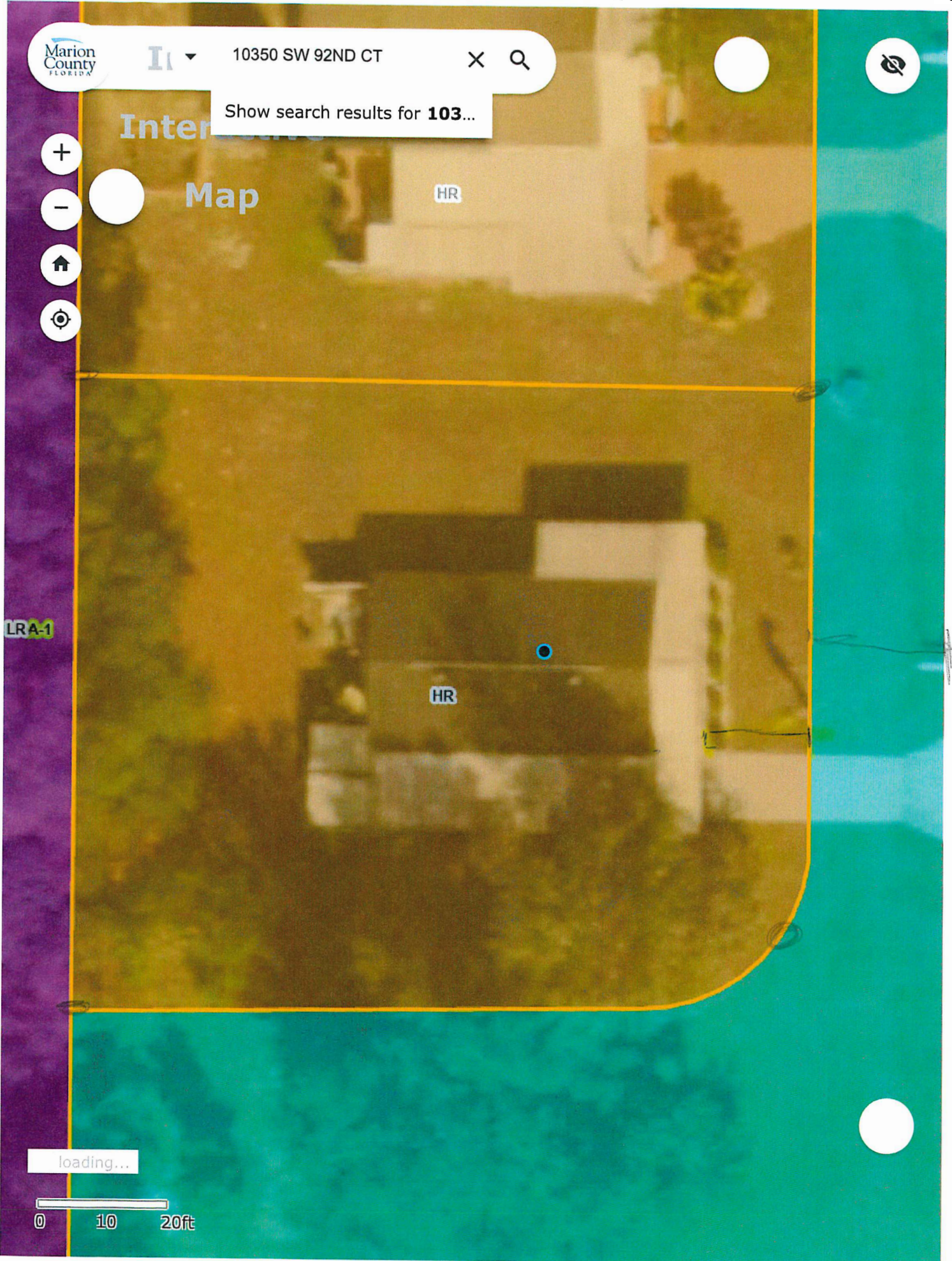
SITE PLAN

NOTICE: ALL EXISTING AND PROPOSED IMPROVEMENTS, INCLUDING LOCATION OF WELL, SEPTIC TANK, ELECTRIC POLE, STREETS AND DRIVEWAYS, AND DIMENSIONS OF PROPERTY ARE TO BE DRAWN ON THE SITE PLAN. SETBACKS FROM ALL PROPERTY LINES MUST ALSO BE SHOWN.



THIS IS THE SITE PLAN THAT WAS SUBMITTED FOR THE ORIGINAL PERMIT (2020052505) WHICH WAS NEVER SUBMITTED TO ZONING FOR APPROVAL, MARION CO. MADE US RE-APPLY FOR A NEW PERMIT (2023081962) BUT WILL NOT ISSUE THE PERMIT WITHOUT A 5'0" FRONT VARIANCE

As the owner of the above property, I, Jessy Watson, certify that the information given above is correct to the best of my knowledge.



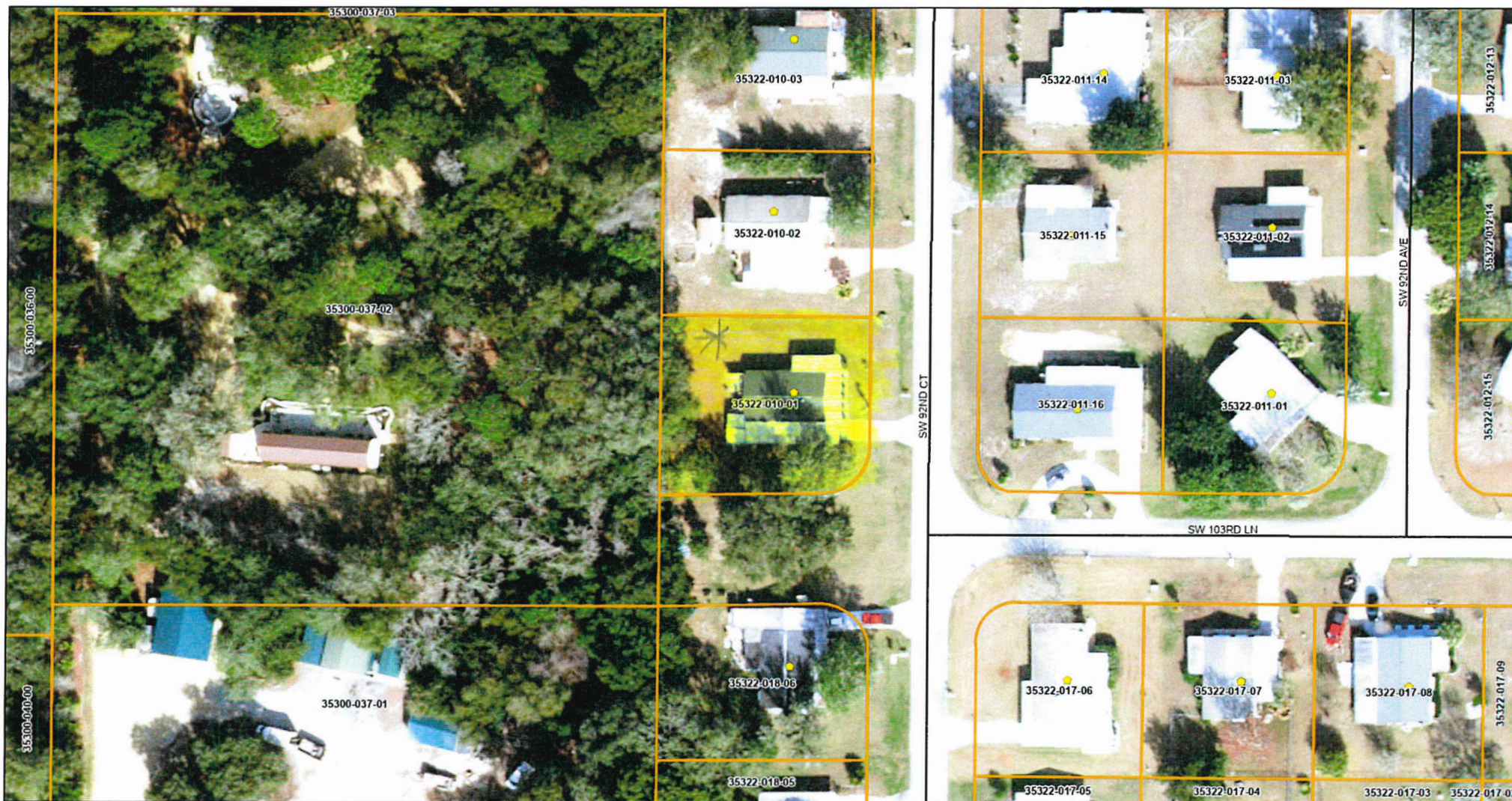
LRA-1

HR

loading...

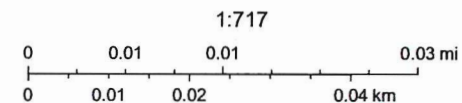
0 10 20ft

MCBCC Interactive Map - Internal



1/24/2024, 11:12:55 AM

- Parcels Labels
- Parcels
- Address Points
- Structure - Addressed
- No Address
- Marion County
- County Road Maintenance
- OCE Maintained Paved
- Streets
- Aerial2023
- Red: Band_1
- Green: Band_2
- Blue: Band_3



Marion County IT GIS Team, Marion County Property Appraiser, Esri Community Maps Contributors, Marion County Property Appraiser, FDEP, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, EPA, NPS,

Code Case Detail Report

CDPR4204 - Code Case Detail Report

CASE NBR: 887732

AO NBR: 646592

OLD CASE NBR

STATUS: OPEN

INSPECTOR: ARBUCKLE, RYAN

CASE TYPE: STRUCTURAL

FOLIO NBR: 35322-010-01

AO INFORMATION

OPEN DATE 5/2/2022

OPEN USER BU341EF2

COMPL NAME EXECUTIVE-EF

COMPL PHONE

COMPL ADDRESS

COMPL FAX

CASE INFORMATION

ADDR NBR: 123942

LOCATION: 10350 SW 92ND CT OCALA

OPEN DATE: 05/13/2022

DISPOSITION NOTICE OF VIOLATION

CLOSE DATE:

DISP BY:

DISP DATE:

DIRECTIONS:

200W TO PINE RUN IN TO 1ST LEFT TO 10350 SW 92 CT

CATEGORY: CON - PERMITS

PRIORITY: 0

LAST VISIT ID: 531454 ZIP: 49028

HEARING DATE:

CONTACT?:

DESCRIPTION:

PHYSICAL FILE ID:

PERMIT 2020052505 FOR A 10X13 SCREEN ROOM & PATIO ROOF HAS EXPIRED WITHOUT HAVING ALL REQUIRED INSPECTIONS COMPLETED. PLEASE CONTACT THE BUILDING DEPARTMENT TO RESOLVE THIS MATTER

CONTACT INFORMATION:

MORGAN JERRY L

PHONE:

FAX:

TENANT INFORMATION:

MORGAN JERRY L

PHONE:

FAX:

OWNER INFORMATION:

MORGAN JERRY L

JERRY L MORGAN

DARLENE M MORGAN

563 S PARHAM RD

BIRMINGHAM MI 49028

FAX:

VIOLATOR INFORMATION:

MORGAN JERRY L

PHONE:

FAX:

COMPLAINANT INFORMATION:

NAME/ADDRESS:

PHONE:

FAX:

EXECUTIVE-EF

ACTION ORDER NOTES:

VISITS:

VISIT NBR	INSPECTOR	NAME	SCHEDULED DATE	VISIT DATE	NBR DAYS COMP
-----------	-----------	------	----------------	------------	---------------

584581 BU341KN

NILSON, KAYLA

07/17/2023

7/17/23 - CONDUCTED SITE VISIT, SCREEN ROOM DONE

531454 BU341RA

ARBUCKLE, RYAN

05/02/2022

PERMIT 2020052505 FOR A 10X13 SCREEN ROOM & PATIO ROOF HAS EXPIRED WITHOUT HAVING ALL REQUIRED INSPECTIONS COMPLETED. PLEASE CONTACT THE BUILDING DEPARTMENT TO RESOLVE THIS MATTER

SENT FIRST NOV TO OWNER OF RECORD ON 5/13/22 WITH A COMPLY BY DATE OF 6/30/22

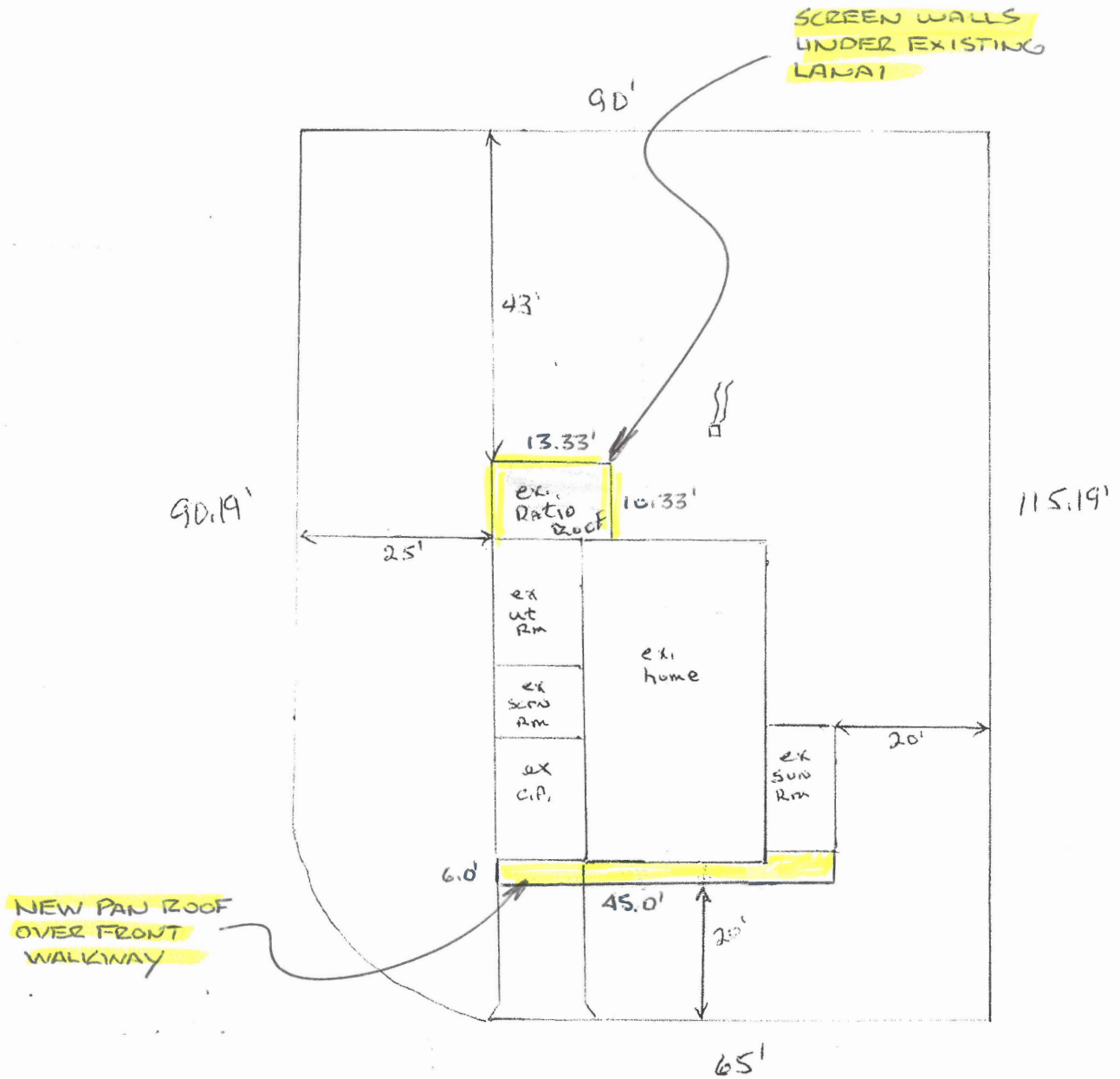
LETTERS:

REF TYPE	LETTER NAME	RQST DATE	PRINT DATE	SEND DATE	STATUS
CC	BLDG2 - 2 NOTIC	07/17/2023	07/17/2023		ACTV
CC	BLDG1 - FBC - 7'	05/13/2022			ACTV

VIOLATIONS:				
STATUS	GROUP	CODE	VIOL. DATE	DESCRIPTION/REMARKS
VIOLATION	HST	137	7/17/2023	WORK PERFORMED WITHOUT A BUILDING PERMIT

IMAGES:	
IMAGE DATE	IMAGE DESCRIPTION
7/17/2023	

NOTES:



10350 SW 92nd Ct

1" = 20'

1/23/24, 3:25 PM

MCPA Property Record Card

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

35322-010-01 ✓

[GOOGLE Street View](#)

Prime Key: 1752841

[Beta MAP IT+](#)

Current as of 1/23/2024

Property Information

MORGAN JERRY L ✓
 MORGAN DARLENE M ✓
 563 S PARHAM RD
 BRONSON MI 49028

Taxes / Assessments:

Map ID: 114

Millage: 9002 - UNINCORPORATEDM.S.T.U.

PC: 01

Acres: .32

✓ Situs: 10350 SW 92ND CT OCALA2023 Certified Value

Land Just Value	\$42,000		
Buildings	\$90,285		
Miscellaneous	\$1,579		
Total Just Value	\$133,864		
Total Assessed Value	\$81,393	Impact	
Exemptions	\$0	<u>Ex Codes:</u>	
Total Taxable	\$81,393		
School Taxable	\$133,864		
			((\$52,471))

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$42,000	\$90,285	\$1,579	\$133,864	\$81,393	\$0	\$81,393
2022	\$36,250	\$67,219	\$1,248	\$104,717	\$73,994	\$0	\$73,994
2021	\$29,000	\$48,820	\$889	\$78,709	\$65,075	\$0	\$65,075

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
5842/0989	04/2013	07 WARRANTY	2 V-SALES VERIFICATION	Q	I	\$49,000
5314/1110	02/2010	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$45,000
3692/0637	04/2004	07 WARRANTY	2 V-SALES VERIFICATION	Q	I	\$52,000
3151/0243	04/2002	71 DTH CER	0	U	I	\$100
2017/0196	03/1994	07 WARRANTY	2 V-SALES VERIFICATION	Q	I	\$47,900
1518/1669	08/1988	94 ROAD AB	0	U	I	\$100
1170/0115	07/1983	07 WARRANTY	0	Q	I	\$40,700

Property Description

SEC 26 TWP 16 RGE 20 ✓

1/23/24, 3:25 PM

MCPA Property Record Card

PLAT BOOK V PAGE 045
 PINE RUN ESTATES II ✓
 BLK J LOT 1 & N 30 FT OF SW 103RD LN
 PER 1518-1669(RESOLUTION TO CLOSE ROAD)

Parent Parcel: 35322-000-00

Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0100		120.0	115.0	R2 ✓	1.00	LT						
Neighborhood 8010 - PINE RUN ESTATES												
Mkt: 9 70												

Traverse

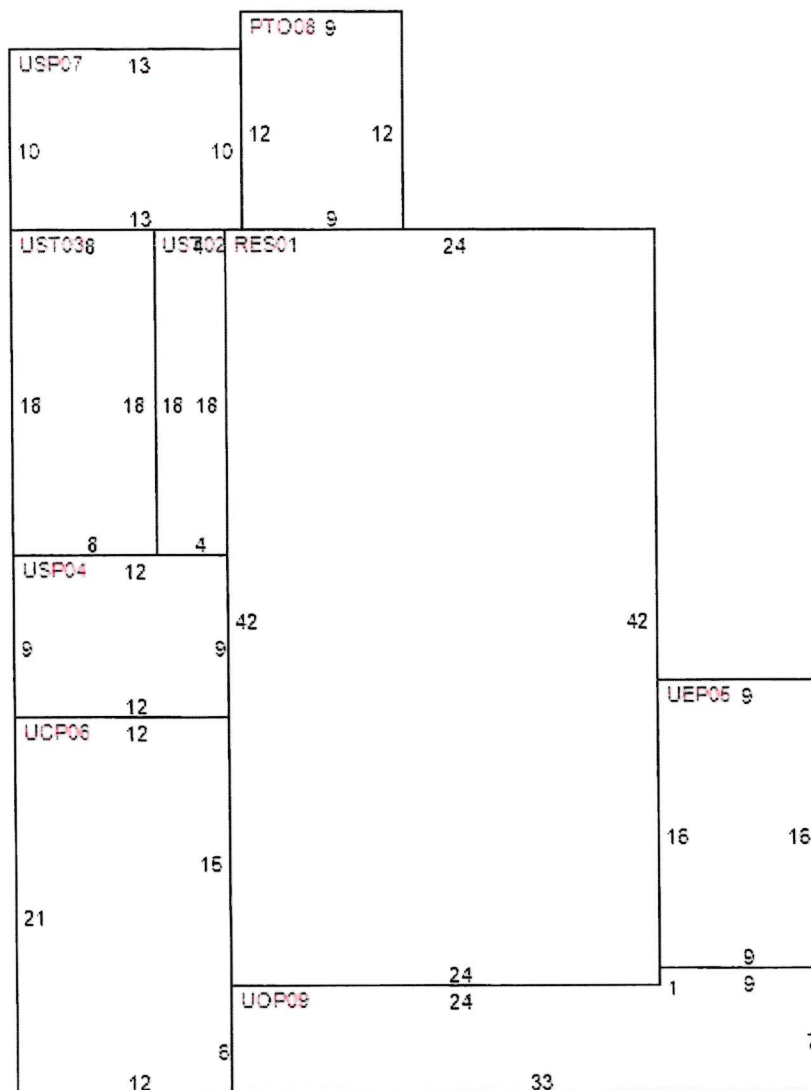
Building 1 of 1

RES01=L24D42R24U42.L24
 UST02=L4D18R4U18.L4
 UST03=L8D18R8U18.R4D18
 USP04=L12D9R12U9.R24D7
 UEP05=R9D16L9U16.D17L24
 UCP06=U15L12D21R12U6.U42R1
 USP07=U10L13D10R13.
 PTO08=U12R9D12L9.L1D42

1/23/24, 3:25 PM

MCPA Property Record Card

UOP09=D6R33U7L9D1L24.

Building Characteristics

Improvement 1F - SFR- 01 FAMILY RESID
 Effective Age 5 - 20-24 YRS
 Condition 1
 Quality Grade 400 - FAIR
 Inspected on 4/8/2022 by 118

Year Built 1983
 Physical Deterioration 0%
 Obsolescence: Functional 0%
 Obsolescence: Locational 0%
 Architecture 0 - STANDARD SFR
 Base Perimeter 132

Type ID	Exterior Walls	Stories	Year Built	Finished Attic	Bsmt Area	Bsmt Finish	Ground Floor Area	Total Flr Area
RES 01	28 - SF ALUM SIDING	1.00	1984	N	0 %	0 %	1,008	1,008
UST 02	28 - SF ALUM SIDING	1.00	1984	N	0 %	0 %	72	72
UST 03	28 - SF ALUM SIDING	1.00	1984	N	0 %	0 %	144	144
USP 04	01 - NO EXTERIOR	1.00	1984	N	0 %	0 %	108	108
UEP 05	28 - SF ALUM SIDING	1.00	1987	N	0 %	0 %	144	144
UCP 06	01 - NO EXTERIOR	1.00	2000	N	0 %	0 %	252	252
USP 07	01 - NO EXTERIOR	1.00	2000	N	0 %	0 %	130	130
PTO 08	01 - NO EXTERIOR	1.00	2021	N	0 %	0 %	108	108
UOP 09	01 - NO EXTERIOR	1.00	2021	N	0 %	0 %	207	207

Section: 1

1/23/24, 3:25 PM

MCPA Property Record Card

Roof Style: 10 GABLE	Floor Finish: 24 CARPET	Bedrooms: 2	Blt-In Kitchen: Y
Roof Cover: 08 FBRGLASS SHNGL	Wall Finish: 16 DRYWALL-PAINT	4 Fixture Baths: 0	Dishwasher: Y
Heat Meth 1: 22 DUCTED FHA	Heat Fuel 1: 10 ELECTRIC	3 Fixture Baths: 2	Garbage Disposal: N
Heat Meth 2: 00	Heat Fuel 2: 00	2 Fixture Baths: 0	Garbage Compactor: N
Foundation: 5 CONCRETE SLAB	Fireplaces: 0	Extra Fixtures: 2	Intercom: N
A/C: Y			Vacuum: N

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
190 SEPTIC 1-5 BTH	1.00	UT	99	1983	1	0.0	0.0
159 PAV CONCRETE	642.00	SF	20	1983	3	0.0	0.0
116 FENCE VINYL	12.00	LF	99	2021	4	0.0	0.0

Appraiser Notes

EST INT

Planning and Building** Permit Search **

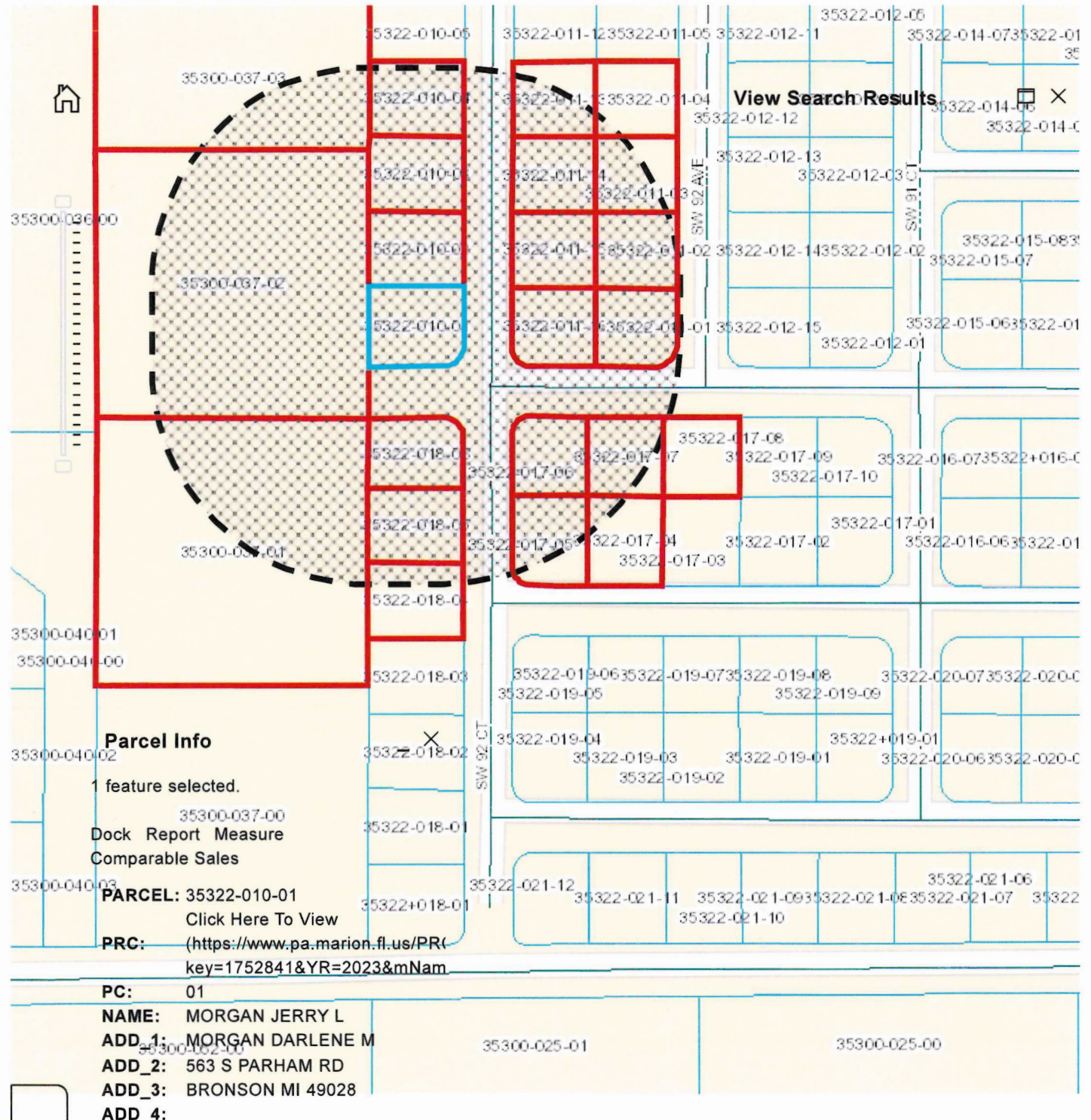
Permit Number	Date Issued	Date Completed	Description
2020052505	6/4/2020	1/1/1900	10X13 SCREEN ROOM & PATIO ROOF
2018042101	6/19/2018	6/19/2018	REPLACE WOOD PATIO W/ 11X15 ALUMINUM PATIO ROOF
MA01350	4/1/1987	6/1/1987	FST
MC00416	2/1/1986	1/1/1900	ADD FEP
MC01594	5/1/1983	7/1/1983	NEW SFR



Jimmy H. Cowan, Jr., CFA
Marion County Property Appraiser - Beta Map It+

Attachment D

Updated every 24 hrs



Attachment E

A-1

R-2

SW 92 CT

SW 92 AVE

SW 91 CT

SW 102 LN

SW 103 PL

SW 103 LN

SW 104 PL

SW 104 LN

240502V

ATTACHMENT E



Zoning Classification

A-1 General Agriculture

R-2 One-and Two-Family Dwelling

Parcels



0 100 200 US Feet

Scale: 1:2,000

R-18.50
DS-343
261.50



DAVID R ELLSPERMANN CLERK OF COURT MARION COUNTY
DATE: 04/12/2013 10:52:32 AM
FILE #: 2013037588 OR BK 05842 PGS 0989-0990

REC 18.50 DEED DS 343.00

JS

This Instrument Prepared by & return to:

Name: Erica Jones, an employee of
Brick City Title Insurance Agency, Inc.
Address: 8750 SW State Road 200, Suite 102
Ocala, FL 34481
13-1166
Parcel I.D. #: 35322-010-01

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 9th day of April, A.D. 2013, by **PAUL W. SNOW** and **CAROLE J. BAKER, BOTH UNMARRIED INDIVIDUALS**, hereinafter called the grantors, to **JERRY L. MORGAN** and **DARLENE M. MORGAN**, whose post office address is **563 S. Parham Rd., Bronson, MI 49028**, hereinafter called the grantees:

(Wherever used herein the terms "grantors" and "grantees" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantors, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantees all that certain land situate in **Marion County, State of Florida**, viz:

Lot 1, Block J of PINE RUN ESTATES II, as per plat thereof recorded in Plat Book V, Pages 45 and 46, of the Public Records of Marion County, Florida, TOGETHER WITH the North 1/2 of SW 103rd Lane, lying adjacent to Lot 1, Block J, of PINE RUN ESTATES II, as per plat thereof recorded in Plat Book V, Pages 45 and 46, of the Public Records of Marion County, Florida, vacated and abandoned in Resolution 87-R-333, recorded in Official Records Book 1518, Page 1669, of the Public Records of Marion County, Florida.

SUBJECT TO TAXES FOR THE YEAR 2013 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

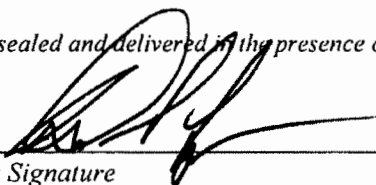
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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


And the grantors hereby covenant with said grantees that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land, and hereby fully warrant 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, 2012.

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

Signed, sealed and delivered in the presence of:

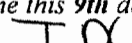

Witness Signature

Kevin H. Lyons
Printed Name


Witness Signature

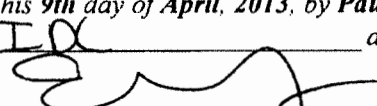
Erica Jones
Printed Name

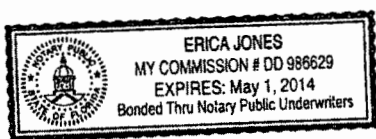
STATE OF FLORIDA
COUNTY OF MARION

The foregoing instrument was acknowledged before me this 9th day of April, 2013, by **Paul W. Snow and Carole J. Baker**, who are known to me or who have produced  as identification.

Paul W. Snow L.S.
Paul W. Snow
Address: 532 Box Addition
Bedford, IN 47421

Carole J. Baker L.S.
Carole J. Baker
Address:


Signature of Notary
My commission expires _____





Marion County Board of Adjustment

Agenda Item

File No.: 2024-14974

Agenda Date: 5/6/2024

Agenda No.: 4.1.

SUBJECT:

April 1, 2024

DESCRIPTION/BACKGROUND:

Previous BOA Minutes

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT April 1, 2024

A public hearing of the Marion County Board of Adjustment was held on April 1, 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: Ernest Hemschot, Thomas Phillips, Nathanael Ramos and Douglas Sherwood. Alternate Samuel Hunt attended as an Observer for his 1st meeting. Staff members present were: Chief Assistant County Attorney Dana Olesky, Growth Services Deputy Director Kenneth Weyrauch, Staff Assistant IV Darlene A. Pocock, along with Planner II Kathleen Brugnoli, Zoning Technician Lynda Smith and Code Enforcement Officer Gabino Cortez.

Thomas Phillips gave the Invocation, followed by Nathanael Ramos 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 **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.

Lynda Smith presented the case and read the report into the record stating that this request is for the 3 existing sheds.

There were 9 homeowners notified within 300' of the parcel, with 2 letters of support received (1 adjacent neighbor and a HOA approval letter) and no letters of opposition received.

John Hubbard, 5450 SE 17th Street, Ocala, FL 34480, stated that there were 2 sheds on site (sheds B & C) and no issues were reported from the realtor when he had purchased the property. Mr. Hubbard explained that shortly thereafter he had gone away for an extended time to care for both of his elderly parents. When his father had passed, he started planning to move his mother down into his new home and had hired a shed company to install a shed for some of her belongings. Mr. Hubbard continued to explain that he has signed documents that the shed company was to pull

permits, prepare a concrete pad and install the shed accordingly. Mr. Hubbard concluded that he did contact the company after it was brought to his attention that the shed was unpermitted and he was only refunded a portion of the money that he had originally paid for the permit.

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.

Ernest Hemschot 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 *Conditions and Safeguards. (**“Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.”*)

Nathanael Ramos made a motion to second.

Motion to Approve - Passed 5 to 1 with Donald Barber dissenting.

MINUTES:

The **March 4, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Douglas Sherwood with a second by Ernest Hemschot.

Motion for Approval - Passed 6 to 0.

ADJOURNED: The meeting adjourned at 3:16 PM.

Donald M. Barber, Chairman

Attest:

Darlene A. Pocock, Staff Assistant IV