



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
July 1, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING

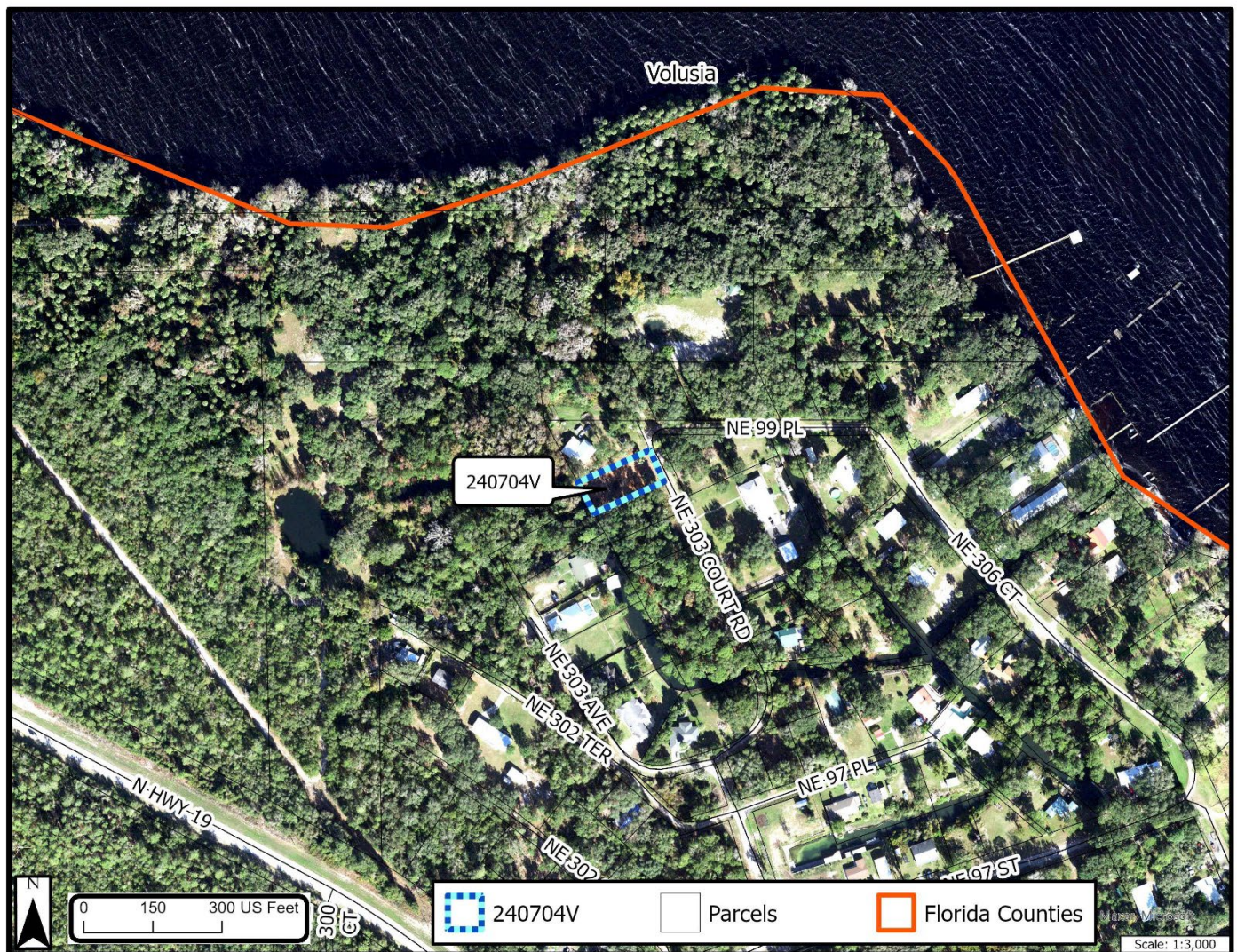
Case Number	2407404V
CDP-AR	31483
Type of Case	Variance to reduce ESOZ waterfront setback from 75' to 42 for a proposed Single-Family Home and from 75' to 25' for future pool and patio in a Single-Family Dwelling (R-1) zone.
Owner	Bradley Christopher
Applicant	Bradley Christopher c/o: American Lux Homes
Street Address	Lake George Manor Subdivision
Parcel Number	16653-008-08
Property Size	±0.29 ac
Future Land Use	Rural Land (RL)
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	Cristina Franco, Zoning Technician I Jeremy Craig Zoning Technician III
Related Case(s)	None

I. ITEM SUMMARY

This is a request filed by the applicant/owner Bradley Christopher, 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 42' for a proposed Single-Family Dwelling and from 75' to 25' for future 20' X 40' 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 (14) property owners within 300-feet of the subject property on June 14, 2024. A public notice sign was posted on the subject property on May 22, 2024 and notice of the public hearing was published in the Star Banner on June 17, 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 unrecorded subdivision of Lake George Manor which was established in 1957. The subject property is ± 0.29 acres, located within the Rural 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 George (See Figure 2).

FIGURE 2
AERIAL



IV. REQUEST STATEMENT

Owner/applicant Bradley Christopher requests a variance from LDC Section 5.2.4.A., to reduce the west ESOZ waterfront setback line from 75' to 42' for proposed Single-Family Dwelling (R-1) Zoning and ESOZ from 75' to 25' for a 20' X 40' future 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 he needs to reduce ESOZ front setback from 75' to 42' for a proposed Single-Family Dwelling from 75' to 25' for a future pool and deck.

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 subdivision was created in 1957.

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

Analysis: The Applicant states he needs extra space to place the drain field and septic on the road side of property. Applicant is disabled with a prosthetic leg and needs extra space for loading and loading in vehicles and RV, as he cannot do this outside of the garage without protruding into the road and the RV is 45' long.

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: Granting this variance would not be irregular to the surrounding area. This would not adversely affect any property owners.

Staff finds the requested variance has been similarly requested, and granted for the neighbor just to the north, located at 9948 NE 303rd Court Rd for House 25 feet from OHWL of a canal leading to Lake George in an ESOZ in an R-1 zone2. Case # 050302V.

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 75' to 42' from the ordinary high-water line for the proposed SFR and from 75' to 25' for the future pool and patio is the minimum needed for the lot size.

Staff finds that, without the requested variance and moving as far forward as possible, the home could still not meet the ESOZ required setbacks. Additionally, any further movement of the home towards the rear (road side) of the property will encroach on both the septic tank and the drain field which have no alternative location to be placed on the property.

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: True.

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. Staff still finds that structures could be moved closer to the rear roadside property line.

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

Analysis: True.

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
- I. Floor Plan

★ Updated

ATTACHMENT A



Marion County
Board of County Commissioners
Growth Services
2710 E. Silver Springs
Blvd. Ocala, FL 34470
Phone: 352-438-2015 Fax:
352-438-2676

RECEIVED

MAY 17 2024

MC GROWTH SERVICES

OFFICE USE ONLY

Received By: _____

Date Received: _____

#240704V

VARIANCE APPLICATION

AR#: 31483

Application #: *240704V*
FOR COUNTY USE ONLY

PA#: 16653-008-08

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 TO REDUCE ESOZ FRONT SETBACK FROM 75' TO 42' FOR PROPOSED SINGLE FAMILY HOME AND FROM 75' TO 25' FOR A FUTURE POOL AND PATIO.

Section of Code requesting variance from: _____

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

Directions to subject property:

FROM HIGHWAY 19, HEAD EAST ON NE 97TH STREET, TURN LEFT ONTO 303RD CT RD, LAND IS ON THE LEFT HAND SIDE.

Silver: 00 NE 303rd Court Road, Salt Springs, FL 32134

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.

BRADLEY A CHRISTOPHER

(Print/Signature) Property Owner

1125 AIR PARK ROAD

Address

GREEN COVE SPRINGS, FL 32043

City, State, Zip Code

904-622-6021, brad@americanluxhomes.com

Contact Info: Phone, cell, e-mail address

(Print) Applicant or Agent

Address

City, State, Zip Code

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.

*Project #: 2024040106
AR#: 31483*

*Sec. 12-14-26
"Lake George Manor"*

Empowering Marion for Success

www.marioncountyfl.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:

REQUESTING TO REDUCE ESOZ FRONT SETBACK FROM 75' TO 42' FOR A PROPOSED SINGLE FAMILY HOME AND FROM 75' TO 25' FOR FUTURE POOL AND PATIO.

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

Applicant's justification:

I NEED EXTRA SPACE TO PLACE THE DRAIN FEILD AND SEPTIC IN THE FRONT YARD. I AM ALSO DISABLED WITH A PROSTECTIC LEG AND NEED THE EXTRA SPACE FOR LOADING AND UNLOADING IN VEHICLES AND RV. I ALSO NEED TO BE ABLE TO WASH THE RV, AS I CANNOT DO THIS OUTSIDE OF THE GARAGE WITHOUT PROTRUDING INTO THE ROAD.

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 THIS VARIANCE WOULD NOT BE IRREGULAR TO THE SURROUNDING AREA. THIS WOULD NOT ADVERSELY EFFECT ANY PROPERTY OWNERS.

PREVIOUS VARIANCE GRANTED WITHIN MY NEIGHBORHOOD IS LOCATED AT:
1) 9948 NE 303RD CT RD

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 REDUCTION OF 75' TO 42' FROM THE ORDINARY HIGH WATER LINE FOR THE PROPOSED SFR, AND FROM 75' TO 25' FOR FUTURE POOL AND PATIO IS THE MINIMUM NEEDED FOR OUR LOT SIZE.

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:

TRUE

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

Applicant's justification:

TRUE

Jimmy H. Cowan, Jr., CFA

Marion County Property Appraiser

Attachment B



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

2024 Property Record Card
Real Estate

16653-008-08

Prime Key: 2431857

[Beta MAP IT+](#)

Current as of 5/14/2024

[Property Information](#)

LONG DAVID E
LONG LISA H
1505 PINELAND ESTATE RD
NASHVILLE GA 31639-6443

[Taxes / Assessments:](#)

Map ID: 434

[Millage:](#) 9001 - UNINCORPORATED[M.S.T.U.](#)[PC:](#) 00

Acres: .29

[2023 Certified Value](#)

Land Just Value	\$53,438
Buildings	\$0
Miscellaneous	\$0
Total Just Value	\$53,438
Total Assessed Value	\$53,438
Exemptions	\$0
Total Taxable	\$53,438

[Ex Codes:](#)[History of Assessed Values](#)

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$53,438	\$0	\$0	\$53,438	\$53,438	\$0	\$53,438
2022	\$42,750	\$0	\$0	\$42,750	\$40,363	\$0	\$40,363
2021	\$36,694	\$0	\$0	\$36,694	\$36,694	\$0	\$36,694

[Property Transfer History](#)

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
7915/1073	10/2022	07 WARRANTY	9 UNVERIFIED	Q	V	\$65,000
7229/0082	07/2020	07 WARRANTY	2 V-SALES VERIFICATION	U	V	\$20,000
6086/1174	08/2014	34 TAX	0	U	V	\$4,100
3375/1131	03/2003	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$32,000
3375/1129	03/2003	07 WARRANTY	0	U	V	\$100
1913/0018	01/1993	07 WARRANTY	2 V-SALES VERIFICATION	U	V	\$28,500
LA90/0802	03/1991	EI E I	0	U	V	\$2,138

[Property Description](#)

SEC 12 TWP 14 RGE 26
PLAT BOOK UNR PAGE 062
LAKE GEORGE MANOR
BLK H LOT 8 AKA
COM NW COR OF FRACTIONAL SEC 12
TH S 00-10-30 E ALG W BDY LINE OF FRACTIONAL SEC 12 200.02 FT
TH S 88-59-47 E 598.61 FT TH S 06-48-54 E 126.17 FT
TH S 28-06-43 E 156.17 FT TO NW COR OF LT 8 BLK H & POB
TH S 28-06-43 E 75.17 FT TH N 65-46-56 E 166.29 FT TO WLY ROW OF 30 FT ROAD
TH N 24-13-04 W 75 FT TH S 65-46-56 W 171.40 FT TO POB
SUBJECT TO EASEMENT FOR CANAL
Parent Parcel: 16652-000-00

[Land Data - Warning: Verify Zoning](#)

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0010		75.0	170.0	R1	75.00	FF						

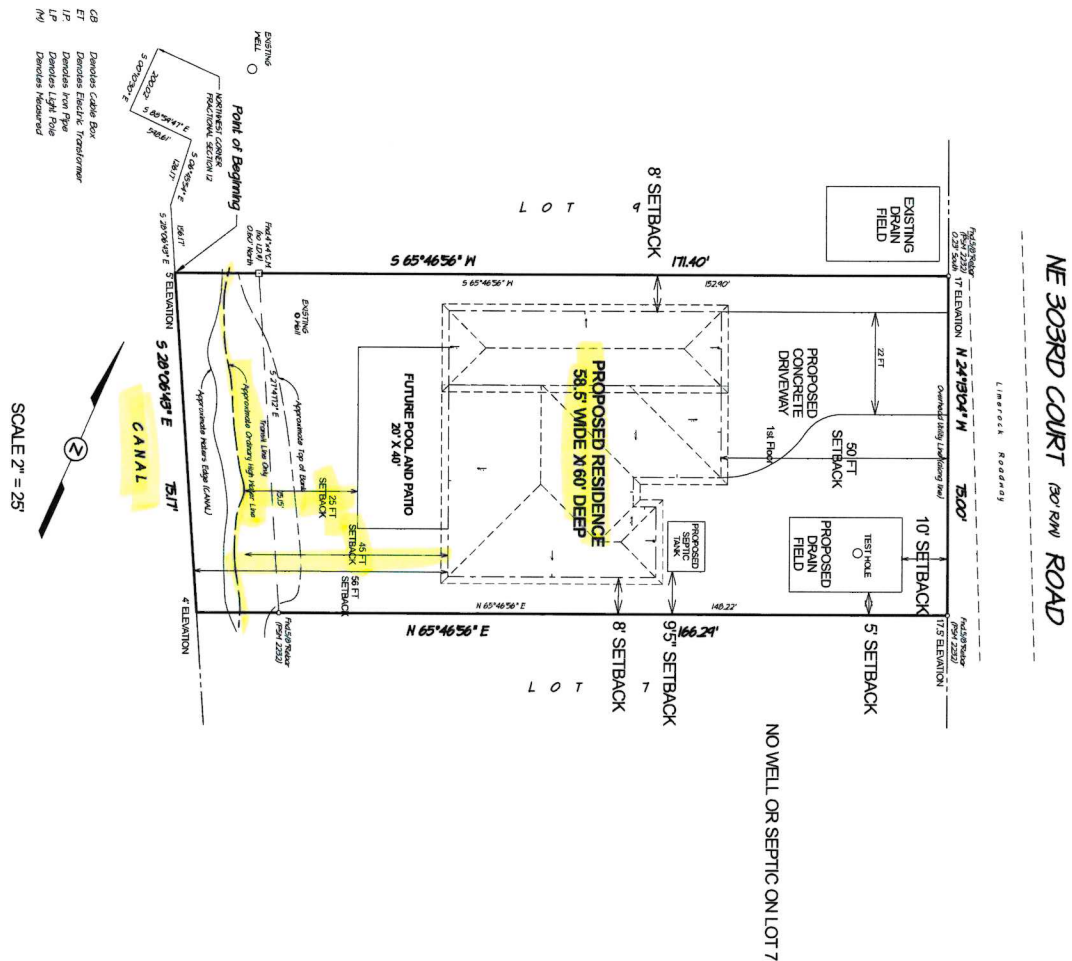
Neighborhood 1609 - LAKE GEORGE CANALS - NORTH
Mkt: 10 70

[Miscellaneous Improvements](#)

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
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[Appraiser Notes](#)[Planning and Building](#)**** Permit Search ****

Permit Number	Date Issued	Date Completed	Description



Prepared By and Return To:

Celebration Title Group
Attn: Amanda C Douglas
950 Celebration Blvd. Ste. D
Celebration, FL 34747

Order No.: 2024CTG0414536

Property Appraiser's Parcel I.D. (folio) Number:
16653-008-08

WARRANTY DEED

THIS WARRANTY DEED dated April 26, 2024, by Lisa H Long, a widow, whose post office address is 162 Roberta Rd, Ormond Beach, Florida 32176 (the "Grantor"), to Bradley Alan Christopher, a married man, whose post office address is 1125 Airpark Rd, Green Cove Springs, Florida, 32043 (the "Grantee").

(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)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of MARION, State of Florida, viz:

LOT 8, BLOCK H, LAKE GEORGE MANOR, AN UNRECORDED SUBDIVISION, BEING A PART OF FRACTIONAL SECTION 12, TOWNSHIP 14 SOUTH, RANGE 26 EAST, AS PLATTED BY A.S. MOWRY, R.L.S. NO. 662, DATED SEPTEMBER, 1957 AND REVISED AUGUST, 1958, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF FRACTIONAL SECTION 12, TOWNSHIP 14 SOUTH, RANGE 26 EAST, AND PROCEED SOUTH 00 DEGREES 10' 30" EAST ALONG THE WEST BOUNDARY LINE OF FRACTIONAL SECTION 12, A DISTANCE OF 200.02 FEET; THENCE SOUTH 88 DEGREES 59' 47" EAST A DISTANCE OF 598.61 FEET; THENCE SOUTH 06 DEGREES 48' 54" EAST A DISTANCE OF 126.17 FEET; THENCE SOUTH 28 DEGREES 06' 43" EAST A DISTANCE OF 156.17 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK H AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 28 DEGREES 06' 43" EAST A DISTANCE OF 75.17 FEET; THENCE NORTH 65 DEGREES 46' 56" EAST A DISTANCE OF 166.29 FEET TO THE WESTERLY RIGHT OF WAY LINE OF A (30.00 FOOT WIDE ROAD), KNOWN AS NORTHEAST 303RD COURT; THENCE NORTH 24 DEGREES 13' 04" WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 75.00 FEET; THENCE SOUTH 65 DEGREES 46' 56" WEST A DISTANCE OF 171.40 FEET TO THE POINT OF BEGINNING.

THE PROPERTY DESCRIBED ABOVE IS NOT THE HOMESTEAD OF THE GRANTOR NOR CONTIGUOUS TO THE HOMESTEAD OF THE GRANTOR AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA.

Subject to easements, restrictions, reservations and limitations 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 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: 2023.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

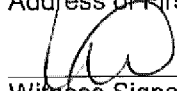
Signed, sealed and delivered in presence of:



Witness Signature

Jessica Conger
Printed Name of First Witness

140 S. Beach St.,
Daytona Beach, FL 32114
Address of First Witness

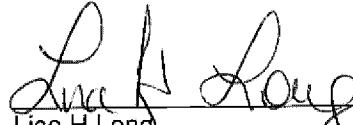


Witness Signature

Melissa Griffin
Printed Name of Second Witness

140 S. Beach St.,
Daytona Beach, FL 32114

Address of Second Witness



Lisa H Long

Grantor Address:
162 Roberta Rd
Ormond Beach, FL 32176

STATE OF FLORIDA

COUNTY OF VOLUSIA

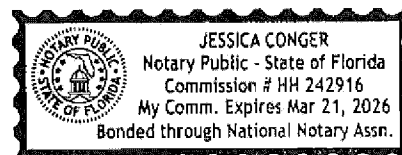
The foregoing instrument was executed and acknowledged before me by means of ☒ Physical Presence or ☐ Online Notarization this 26th day of April, 2024 by Lisa H Long, who is/are personally known to me or who has/have produced FL DL as identification.



Notary Public

Jessica Conger
Printed Name

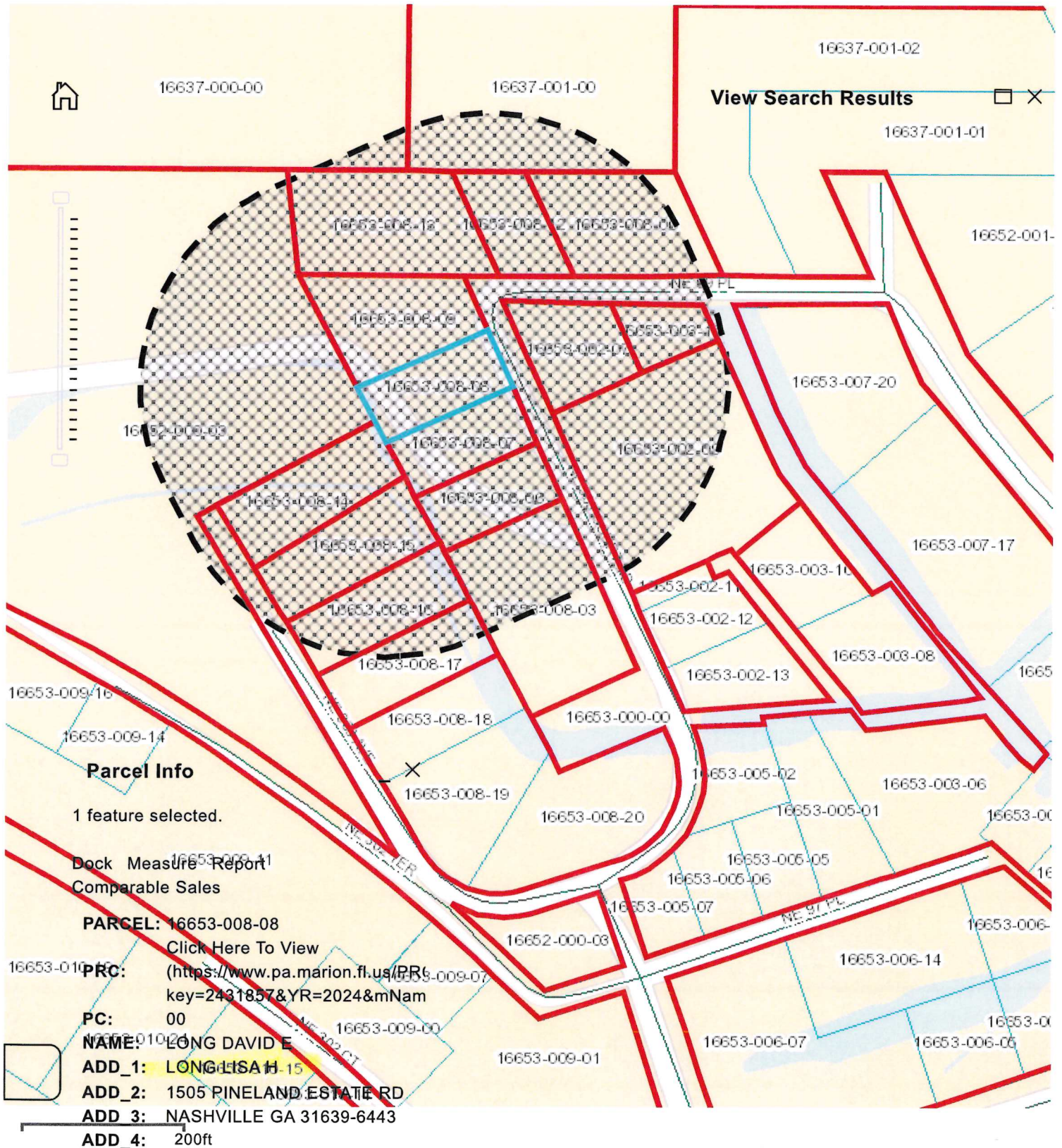
(SEAL)





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

Updated every 24 hrs




Attachment F


240704V

NE-303-COURT-RD





240704V



Parcels

Scale: 1:300





Standing waterside facing NW.



Standing center of parcel facing East, body of water behind.



Facing West looking at body of water.

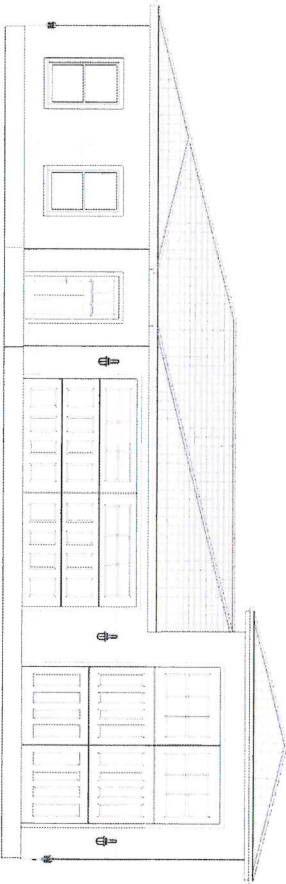


Standing roadside looking west.



Sign posting.

Camera 1



A-1

SHEET:

SCALE:

DATE:

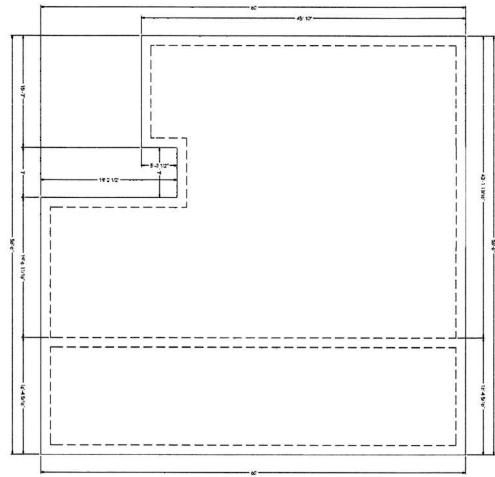
DRAWINGS PROVIDED BY:
Michael Rabon
Rabon Engineering LLC

PROJECT DESCRIPTION:
Christopher Residence

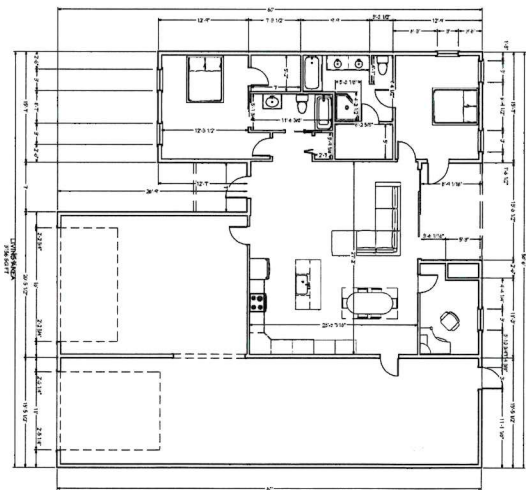
SHEET TITLE:

NO.	DESCRIPTION	BY	DATE





Foundation



1st Floor

A-3

SHEET:

SCALE:

DATE:

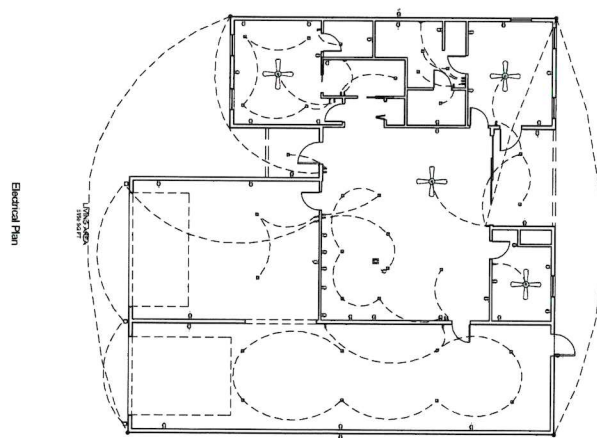
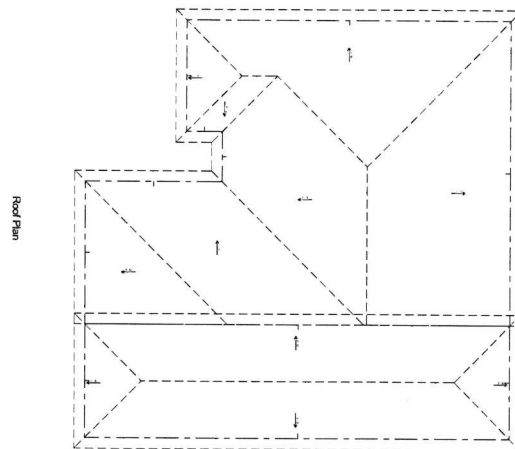
DRAWINGS PROVIDED BY:
Michael Rabon
Rabon Engineering LLC

PROJECT DESCRIPTION:
Christopher Residence

SHEET TITLE:
Foundation and Floor Plan

NO.	DESCRIPTION	BY	DATE





A-4

SHEET:

SCALE:

DATE:

DRAWINGS PROVIDED BY:
Michael Rabon
Rabon Engineering LLC

PROJECT DESCRIPTION:
Christopher Residence

SHEET TITLE:
Roof and Electrical Plan

NO.	DESCRIPTION	BY	DATE

