

VARIANCE ACTION FORMITEM #: 2 Var.DATE OF PUBLIC HEARING: June 25, 1984

APPLICANT'S NAME:

The Deltona Corp.

ADDRESS:

3250 S.W. 3rd AvenueMiami, Fl. 33129LEGAL DESCRIPTION OF PROPERTY: SEE ATTACHED SHEETVARIANCE REQUESTED: Marion Co. Zoning Ordinance, Schedule of DistrictRegulations, Adjusting setback restrictions to be uniform with MarionOaks Deed Restrictions recorded prior to April 16, 1984.FINDINGS OF BOARD OF ADJUSTMENT

1. Written Petition. A written petition for a variance has been submitted demonstrating that:
 - 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 in the same zoning district.
 - B. The special conditions and circumstances do not result from the actions of the applicant.
 - C. Literal interpretation of the provisions of regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Ordinance, and would work unnecessary and undue hardship on the applicant.
 - D. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure.

E. Granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, buildings or structures in the same zoning district.

F. The granting of the variance will be in harmony with the general intent and purpose of the Zoning Ordinance, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. ✓ GRANTED: Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for variance.

3. _____ DENIED: Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have not been demonstrated by the applicant for variance.

4. _____ CONDITIONS & SAFEGUARDS: _____

5. _____ TIME LIMIT: _____

Sam Hillier
CHAIRMAN

6-25-84
DATE

Unit 2 Marion Oaks

<u>Block</u>	<u>Lot</u>
22	8-14
23	17-21
38	5
52	23-32
55	1, 15-19
56	10, 13, 14, 17, 20, 27-34, 37, 45, 49, 53, 59, 60
57	1-8
58	9-15
59	2-5, 7, 8, 11, 13, 15-27
60	1, 3, 11, 12, 14, 16-18, 20-24, 33
61	1, 6, 8-10, 12, 14-18, 22, 24, 25, 32
62	1-3, 5-10, 12
63	1, 8-11, 13-20
64	1-9, 12-18
65	1-18
66	1, 3, 6-9, 17, 21, 22, 27, 31, 33
68	1, 2, 4-6, 9-11
69	1, 3-5, 7, 10
70	1-17, 34, 39, 40
71	10
72	1-9
73	1-19

<u>Block</u>	<u>Lot</u>	<u>Block</u>	<u>Lot</u>
74	1-15	95	1-22, 32
75	1-9	100	1, 8, 22
76	1-4	103	16, 19
77	1-19	226	5
78	1-16	230	11, 21
79	1-16	231	1
80	1-21		
81	1-17		
82	1-15		
83	1-21		
84	1-15		
85	1-16		
86	1-34		
87	1-10		
88	1-18		
89	1-38		
90	1-35		
91	1-18		
92	1-32		
93	1-27		
94	1-21		

shall remain subject to all restrictions, provisions and covenants as stated in that certain Declaration of Restrictions recorded in Official Records Book 571, Pages 668 through 678 inclusive of the Public Records of Marion County, Florida, except as follows:

The Subdivider does hereby declare that Section 2.01, entitled Setback Restrictions, is superseded in its entirety and abolished and in its place the following Amended Setback Restrictions shall restrict and limit the above-described property:

AMENDED SETBACK RESTRICTIONS

2.01 On all lots, no building shall be erected on any of said lots nearer than TWENTY-FIVE (25) feet to the front lot lines of said lots except that on corner lots no structure shall be permitted nearer than TWENTY-FIVE (25) feet to the front lot line of said corner lot (the front lot line shall be the street lot line having the least dimension); nor nearer than FIFTEEN (15) feet to the side street line when the front of the structure is placed facing said front lot line, however, if the front of said structure is placed facing more toward the side street lot line then it shall not be permitted nearer than TWENTY-FIVE (25) feet to both street lot lines; nor nearer than SEVEN & ONE/HALF (7 1/2) feet to any interior side lot line; nor nearer than TWENTY (20) feet to the rear lot line (the rear lot line being opposite and most distant from the front lot line). Screened swimming pool enclosures may be erected to within FIFTEEN (15) feet of the rear lot line. Such swimming pool enclosures may not be erected unless and until their location, architectural and structural design, have been approved by the architectural design committee of the Subdivider, its successors, or assigns. For the purpose of this covenant, eaves and steps shall not be considered as a part of a building, provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.

In all other respects, other than as amended above, the Declaration of Restrictions recorded in Official Records Book 571, Pages 668 through 678 of the Public Records of Marion County, Florida, is rati-

80-38691

THE DELTONA CORPORATION,)
a Delaware corporation,)
)
and)
)
DELTONA'S MACKLE-BUILT)
CONSTRUCTION COMPANY, INC.,)
a Florida corporation,)
)
TO WHOM IT MAY CONCERN:)

O.R. 1036 PAGE 0980
BOOK

AMENDMENT TO
DECLARATION OF RESTRICTIONS

WHEREAS, THE DELTONA CORPORATION, a Delaware corporation, authorized to do business in the State of Florida, and DELTONA'S MACKLE-BUILT CONSTRUCTION COMPANY, INC., a Florida corporation and a wholly-owned subsidiary of The Deltona Corporation, hereinafter collectively referred to as the "Subdivider", are the developers of the following described property, situate, lying and being in Marion County, Florida; and

WHEREAS, the following described property is subject to that certain Declaration of Restrictions recorded in Official Records Book 547, Pages 431 through 441 of the Public Records of Marion County, Florida; and

WHEREAS, it is now desired by the Subdivider to amend the restrictions and limitations of record on the following described property; and

WHEREAS, Section 10.01 of the above described Declaration of Restrictions provides for the Subdivider, in its sole judgment, to make reasonable modifications, amendments or additions to the restrictions; and

WHEREAS, the Subdivider now desires to amend the Setback Restrictions contained in Section 2.01 of the above referenced Declaration of Restrictions as affecting the property hereinafter described:

NOW, THEREFORE, the Subdivider does hereby declare that the following described property, situate, lying and being in Marion County, Florida, to-wit:

MARION OAKS SUBDIVISION, UNIT TWO (2), according to the plat thereof recorded in Plat Book 0, Pages 19 through 35 inclusive, of the Public Records of Marion County, Florida, less and excepting Lots 1-4 of Block 1; Lots 1-3 of Block 2; Lots 1-8 of Block 3; Lots 1-9 of Block 4; Lots 1-5 of Block 5; Lots 1-8 of Block 6; Lots 1-8 of Block 7; Lots 1-6 of Block 8; Lots 1-8 of Block 9; Lots 1-8 of Block 10; Lots 1 and 2 of Block 11; Lots 1-9 of Block 13;

3250 SW 3rd Ave.
Miami, FL 33129

Wm. I. Livingston

Lots 1-3 of Block 15; Lots 1 and 2 of Block 16; Lots 1-4 of Block 17; Lots 1-7 of Block 18; Lots 1-10 of Block 27; Lots 1-8 of Block 53; Lots 1-9 of Block 54; Lot 1 of Block 160; Lots 1-7 of Block 239; Lots 1-5 of Block 240; Lots 1-11 of Block 241; Lots 1-6 of Block 242; Lots 1 and 2 of Block 243; Lots 1-19 of Block 244; Lots 1-5 of Block 245; Lots 1-6 of Block 246, AND TRACTS: A, B, C, D, E, F, G, H, J, K, L, M, N, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, EE, FF, GG, HH, JJ, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV and WW.

(hereinafter referred to as the "lots" or "said lots".)

shall remain subject to all restrictions, provisions and covenants as stated in that certain Declaration of Restrictions recorded in Official Records Book 547, Pages 431 through 441 inclusive of the Public Records of Marion County, Florida, except as follows:

The Subdivider does hereby declare that Section 2.01, entitled Setback Restrictions, is superseded in its entirety and abolished and in its place the following Amended Setback Restrictions shall restrict and limit the above-described property:

AMENDED SETBACK RESTRICTIONS

2.01 On all lots, no building shall be erected on any of said lots nearer than TWENTY-FIVE (25) feet to the front lot lines of said lots except that on corner lots no structure shall be permitted nearer than TWENTY-FIVE (25) feet to the front lot line of said corner lot (the front lot line shall be the street lot line having the least dimension); nor nearer than FIFTEEN (15) feet to the side street line when the front of the structure is placed facing said front lot line, however, if the front of said structure is placed facing more toward the side street lot line then it shall not be permitted nearer than TWENTY-FIVE (25) feet to both street lot lines; nor nearer than SEVEN & ONE/HALF (7 1/2) feet to any interior side lot line; nor nearer than TWENTY (20) feet to the rear lot line (the rear lot line being opposite and most distant from the front lot line). Screened swimming pool enclosures may be erected to within FIFTEEN (15) feet of the rear lot line. Such swimming pool enclosures may not be erected unless and until their location, architectural and structural design, have been approved by the architectural design committee of the Subdivider, its successors, or assigns. For the purpose of this covenant, eaves and steps shall not be considered as a part of a

building, provided however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot or easement.

In all other respects, other than as amended above, the Declaration of Restrictions recorded in Official Records Book 547, Pages 431 through 441 of the Public Records of Marion County, Florida, is ratified, reaffirmed and remains in full force and effect, and the provisions thereof are hereby incorporated within this Amendment to Declaration of Restrictions to the full extent required to enforce the Amended Setback Restrictions hereinabove stated.

IN WITNESS WHEREOF, the Subdivider has caused these presents to be executed by its proper officers, who are thereunto duly authorized, and its corporate seals to be affixed at Miami, Dade County, Florida, this 23rd day of September, 1980.

Witnesses:

Christopher L. Sgale
Virginia Santiago

THE DELTONA CORPORATION

BY: Frank E. Mackle, III
FRANK E. MACKLE, III
President

Witnesses:

Christopher L. Sgale
Virginia Santiago

DELTONA'S MACKLE-BUILT
CONSTRUCTION COMPANY, INC.

BY: Frank E. Mackle, III
FRANK E. MACKLE, III
Vice President

STATE OF FLORIDA)
) ss.
COUNTY OF DADE)

The foregoing instrument was acknowledged before me this 23rd day of September, 1980, by FRANK E. MACKLE, III, President and Vice President, respectively of The Deltona Corporation, a Delaware corporation and Deltona's Mackle-Built Construction Company, Inc., a Florida corporation, on behalf of said corporations.

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JAN. 30 1983
BONDED TEN GENERAL INS. UNDERWRITERS

Carrie R. Cruz
Notary Public, State of Florida
at Large