



Marion County Board of Adjustment Meeting Agenda

Monday, July 1, 2024

2:00 PM

**Growth Services Building -
Training Room**

Call to Order and Roll Call

Invocation and Pledge of Allegiance

Explanation of Procedure for Hearing Variance Requests

- 1. Acknowledgment of Proof of Publication, Mailing and Posting of Notice**
- 2. Consider the following Variance Requests**
 - 2.1.** [240701V - James E. and Amanda W. Perry, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front \(canal\) setback from 75' to 35' for a proposed SFR, in a Single-Family Dwelling \(R-1\) zone on Parcel Account Number 45824-000-00 addressed as 10843 SE 144th Place, Summerfield, FL 34491.](#)
 - 2.2.** [240703V - Robert P. Howes, requests a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the N. side setback from 25' to 13' for an existing pergola \(trellis type shade structure\), in a Light Industrial \(M-1\) zone on Parcel Account Number 36967-002-00 addressed as 9672 SE 58th Avenue, Belleview, FL 34420.](#)
 - 2.3.** [240704V - Bradley A. Christopher, requests a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front \(canal\) setback from 75' to 42' for a proposed SFR and from 75' to 25' for a proposed pool & patio, in a Single-Family Dwelling \(R-1\) zone on Parcel Account Number 16653-008-08 \(un\)addressed as \(00\) NE 303rd Court Road, Salt Springs, FL 32134.](#)
- 3. Other Business**
- 4. Consider the Minutes of Previous Meeting**
 - 4.1.** [May 6, 2024](#)

Adjourn



Marion County Board of Adjustment

Agenda Item

File No.: 2024-15535

Agenda Date: 7/1/2024

Agenda No.: 2.1.

SUBJECT:

240701V - James E. and Amanda W. Perry, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front (canal) setback from 75' to 35' for a proposed SFR, in a Single-Family Dwelling (R-1) zone on Parcel Account Number 45824-000-00 addressed as 10843 SE 144th Place, 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

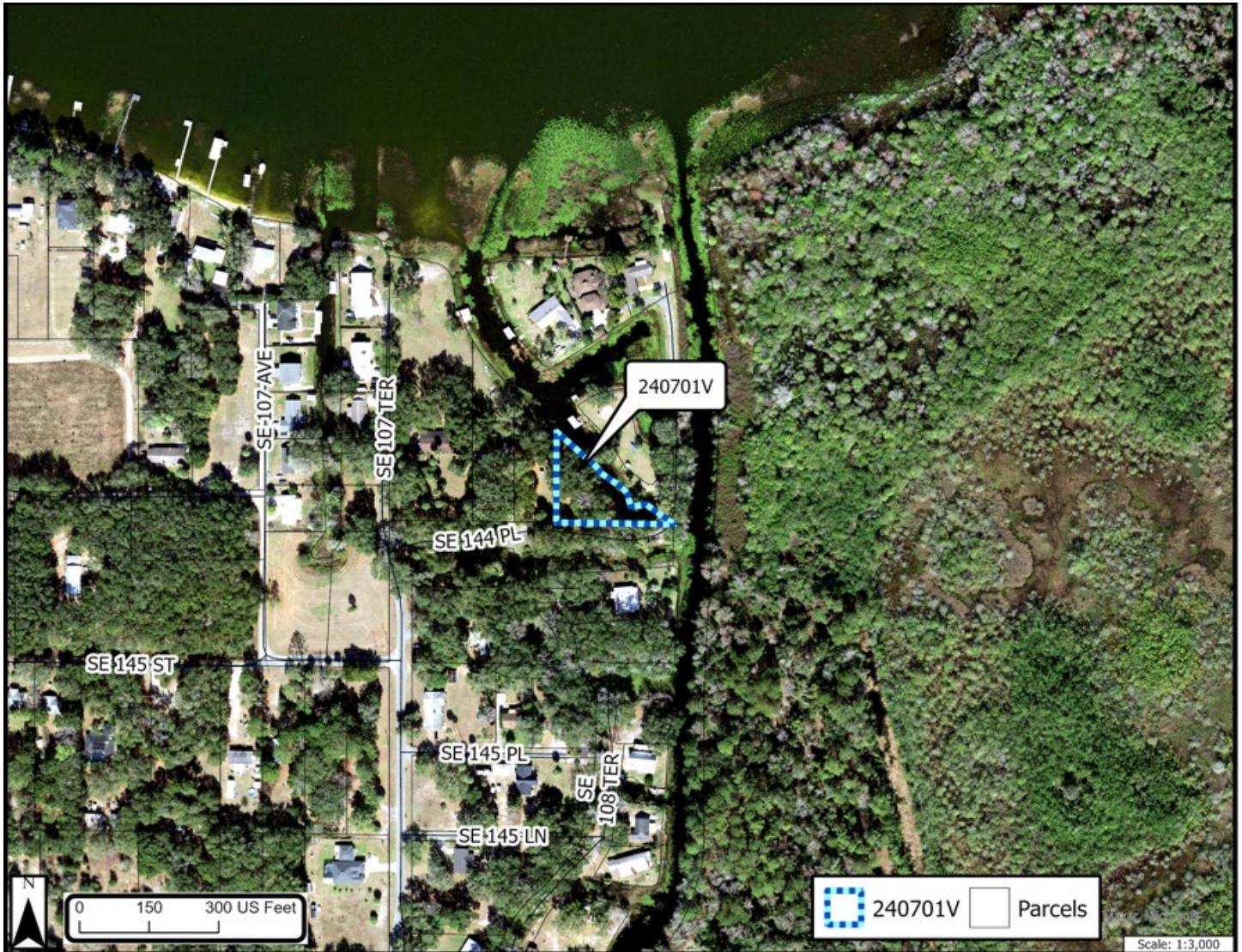
ZONING SECTION STAFF REPORT
July 1, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	240701V
CDP-AR	31455
Type of Case	Requesting to reduce ESOZ waterfront setback from 75' to 35' for a proposed Single-Family Home in a Single-Family Dwelling (R-1) Zone.
Owner	James and Amanda Perry
Applicant	Rodney Rogers
Street Address	10843 SE 144 Th PL, Summerfield
Parcel Number	45824-000-00
Property Size	±0.52 ac
Future Land Use	Medium Residential (MR)
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ) , FEMA Flood Zone AE, and Secondary Springs Protection Overlay Zone (SPOZ)
Project Planner	Rachel Kruger, Zoning Technician I Elizabeth Madeloni, Zoning Technician III
Related Case(s)	None

I. ITEM SUMMARY

This is a request filed by the applicant, Rodney Rogers, on behalf of the property owners, James and Amanda Perry, for a variance from the 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 proposed Single-Family Dwelling. *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 (11) 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 21, 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 on the south side of Little Lake Weir on a canal. It is in a subdivisiona subdivision established in 1970 by the name of Merrill, J C Lands Subdivision (See Attachment F). The subject property is .52-acres in size, located within the Medium Residential Map Series (FLUMS) designation, and has a Single-Family Dwelling (R-1) zoning classification. The northeast portion of the property is located in the canal. This property is also located in the Environmentally Sensitive Overlay Zone (ESOZ) and FEMA Flood Zone AE on a canal of Little Lake Weir (See Figure 2).

FIGURE 2
AERIAL



IV. REQUEST STATEMENT

The property owner's, Amanda and James Perry, and the applicant, Rodney Rogers, are requesting a variance from the LDC Section 5.2.4.A., to reduce the ESOZ waterfront setback line from 75' to 35' for a proposed Single-Family Dwelling in (R-1) Zoning.

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: Since the parcel was developed in 1970, erosion of the canal has since moved the ordinary high-water line and significantly reduced the upland area of the parcel. Even a very small residence will not fit on the parcel using the 75ft setback from the ordinary high-water line.

Staff observed from their field inspection there are wetlands starting at the northern tip of the property, which runs along the angled eastern property line and continues south into the canal. The subdivision was established in 1970, when Marion County did not have an ESOZ or Wetlands ordinance.

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

Analysis: Special condition outlined above was caused naturally over the years and already was existing when property was bought.

Staff finds since the 1970 development, ESOZ was not in effect nor was it required to acknowledge the wetlands, therefore, this was not a condition resulting from the applicant.

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: Other residences along the canal were constructed many years ago are now 35ft from the ordinary high-water line (OHWL) due to the erosion of the canal.

Staff researched and found parcels near-by approved back in 2000, 2005, and 2007 for a reduction from the ESOZ ordinary high-water line. (See Attachment E)

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

Analysis: The 35ft setback from the ordinary high water line (OHWL) from the canal would provide the minimum amount of upland area to construct a residence with the location and will be consistent with the existing older residences along the canal.

Staff found from researching the property, there's an approved variance from back in 1998 for a smaller home with an ordinary high-water line (OHWL) of 50ft from the required 75ft. The house was approved for a 45X45 sf home with 2,025 sf. The applicant is requesting a 2,200 sf home that shows a 52.7' radius area with a 35ft setback form the ordinary high-water line (OHWL).

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: Granting the variance will allow the owner to construct a residence in the same proximity to the canal as other existing residences.

Staff has found most homes have been in this area since the 1960's and 70's. Granting the variance would not be a special privilege as there are other homes near by have been approved in the past for a reduction of the OHWL for a Single-Family Residence.

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

Analysis: Granting the variance will not have an effect to the neighborhood.

Staff concludes if the variance granted it would not be injurious to the neighborhood or detrimental in any way.

VI. LIST OF ATTACHMENTS

- A. Application
- B. Marion County Property Appraiser Property Record Card, 2024 Certified Assessment Roll
- C. Site Plan
- D. Deed
- E. Aerial Map of approved prior variances
- F. Platted Subdivision
- G. DEP Report
- H. Photos
- H.I. [300ft Mailing Notice Map](#)



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 4/22/24
INITIALS [Signature]

TENTATIVE MEETING DATES

BOA 7/01/24
P&Z PH

BCC/P&Z PH

OFFICE USE ONLY

Received By: EMAIL

Date Received: 4/19/24

240701V

AR#: 31455

VARIANCE APPLICATION

Application #: 240701V
FOR COUNTY USE ONLY

✓ PA#: 45824-000-00
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:

Reduce building setback from Ordinary High Water Line of canal from 75 feet to 35 feet for proposed SFR

Section of Code requesting variance from: Sec. 5.2.4.A.

Legal Description (Please attach a copy of deed). Total Acreage of subject property: 0.52 +/- acres

Directions to subject property:

East on Sunset Harbor Rd. to SE 100th ave; north on SE 100th Ave to SE 144th Pl.; east on SE 100th Pl. to SE 107th Ave; south on SE 107th Ave to SE 145th st.; east on SE 145th St. to SE107th Terr; north on SE 107th Terr to SE 144th Pl; east on SE 144th Pl to end of road.
Site: 10843 SE 144th place, Summerfield

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.

[Signature] James Peary
[Signature] Amanda Perry

(Print/Signature) Property Owner

13311 SE 102nd Ct

Address

Belleview, FL 34420

City, State, Zip Code

amandawarner1381@gmail.com
814-442-7609

Contact Info: Phone, cell, e-mail address

Rodney K. Rogers

(Print) Applicant or Agent

1105 S.E. 3rd Avenue

Address

Ocala, FL 34471

City, State, Zip Code

mclemons@rogerseng.com, 352-622-9214

Contact Info: Phone, cell, e-mail address

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: 2024010088
AR: 31455

Sec. 14-17-23

"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:

Erosion and relection of canal since the parcel was created has moved the ordinary high water line and significantly reduced the upland area of the parcel. Even a very small residence will not fit on the parcel using a 75 feet setback from the ordinary high water line.

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

Applicant's justification:

The special condition outlined above was caused naturally over many years and existed when the applicant purchased the parcel.

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:

Other residences along the canal that were constructed many years ago are now +/- ³⁵ feet from the ordinary high water line due to the erosion and relection of the canal.

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 **35** feet setback from the ordinary high water line of the canal would provided the minimum amount of upland area to construct a residence and will be consistent with the location of existing older residences along the canal.

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:

Granting of the variance will allow the applicant to construct a residence in the same proximity to the canal as existing residences are currently located.

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

Applicant's justification:

Granting of the variance will have no effect to the neighboring parcels.



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

45824-000-00

[GOOGLE Street View](#)

Prime Key: 1113369

[Beta MAP IT+](#)

Current as of 5/22/2024

[Property Information](#)

PERRY JAMES EDWARD
PERRY AMANDA WARNER
13311 SE 102ND CT
BELLEVIEW FL 34420-6972

[Taxes / Assessments:](#)

Map ID: 276

[Millage:](#) 9001 - UNINCORPORATED

[M.S.T.U.](#)

[PC:](#) 00

Acres: .52

Situs: Situs: 10843 SE 144TH PL
SUMMERFIELD

[2023 Certified Value](#)

Land Just Value	\$70,834		
Buildings	\$0		
Miscellaneous	\$0		
Total Just Value	\$70,834		
Total Assessed Value	\$40,804	Impact	(\$30,030)
Exemptions	\$0	Ex Codes:	
Total Taxable	\$40,804		
School Taxable	\$70,834		

[History of Assessed Values](#)

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$70,834	\$0	\$0	\$70,834	\$40,804	\$0	\$40,804
2022	\$70,834	\$0	\$0	\$70,834	\$37,095	\$0	\$37,095
2021	\$33,723	\$0	\$0	\$33,723	\$33,723	\$0	\$33,723

[Property Transfer History](#)

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
7998/1311	03/2023	07 WARRANTY	9 UNVERIFIED	Q	V	\$80,000
6359/1870	03/2016	07 WARRANTY	9 UNVERIFIED	Q	V	\$40,000
4266/0721	12/2005	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$125,000
4004/0639	04/2005	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$87,500
3717/1893	05/2004	07 WARRANTY	4 V-APPRAISERS OPINION	U	V	\$59,900
2569/1834	11/1998	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$35,000
1660/0067	05/1990	07 WARRANTY	0	U	V	\$100
1457/0620	10/1987	07 WARRANTY	0	U	V	\$100
1418/0849	04/1987	07 WARRANTY	4 V-APPRAISERS OPINION	Q	V	\$24,800
1165/1786	06/1983	07 WARRANTY	0	U	V	\$18,000

SEC 14 TWP 17 RGE 23
 COM AT SW COR OF E 1/2 OF GOVT LOT 1 TH N 298 FT
 TH S 89-08-10 E 360 FT FOR POB THS 89-08-10 E 254.13 FT
 TH N 55-13-07 W 199.81 FT TH N 8 FT MOL TO SLY EDGE OF
 CANAL TH NWLY ALONG CANAL TO PT 189 FT MOL N OF POB
 TH S 189 FT MOL TO POB

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

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0010		127.0	178.0	R1	127.00	FF						
Neighborhood 8089 - LAKE WEIR (CANALS)												
Mkt: 10 70												

[Miscellaneous Improvements](#)

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width

[Appraiser Notes](#)

[Planning and Building](#)

[** Permit Search **](#)

Permit Number	Date Issued	Date Completed	Description

Prepared by:
Christine Albright
Ocala Land Title Insurance Agency, Ltd.
503 East Silver Springs Boulevard
Ocala, Florida 34470

File Number: OL2302006S

General Warranty Deed

Made this March 8th, 2023 A.D. By **Marvin Dumeny, a single person**, hereinafter called the grantor, to **James Edward Perry and Amanda Warner Perry, husband and wife**, whose post office address is: **13311 SE 102nd Court, Belleview, FL. 34420**, hereinafter called the grantee:

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

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

Commence at the SW corner of the East 1/2 of Government Lot 1, Section 14, Township 17 South, Range 23 East, Marion County, Florida; thence North along the West boundary of the East 1/2 of said Government Lot, 298.00 feet; thence S. 89 degrees 08'10" E. 360.00 feet for the Point of Beginning; thence S. 89 degrees 08'10" E. 254.13 feet; thence N. 55 degrees 13'07" W. 199.81 feet; thence North 8 feet, more or less, to the Southerly edge of a 50 foot canal; thence Northwesterly along the edge of said canal to a point lying 189 feet, more or less, North of the Point of Beginning; thence South, 189 feet, more or less, to the Point of Beginning.

LESS AND EXCEPT:

Any portion thereof lying within the lands described in Quit Claim Deed recorded March 31, 2022 in Official Records Book 7740, Page 22 of the Public Records of Marion County, Florida.

Parcel ID Number: 45824-000-00

Subject to covenants, restrictions, easements, limitations and reservations of record (if any) and taxes for the current year.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2023.

DEED Individual Warranty Deed - Legal on Face

Prepared by:
Christine Albright
Ocala Land Title Insurance Agency, Ltd.
503 East Silver Springs Boulevard
Ocala, Florida 34470

File Number: OL2302006S

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


Signed, sealed and delivered in our presence:

<p><u>Mary Joehnum</u> Witness #1 Signature Witness #1 Printed Name <u>Mary Joehnum</u></p> <p><u>Rachel Souder</u> Witness #2 Signature Witness #2 Printed Name <u>Rachel Souder</u></p>	<p><u>Marvin Dumeny</u> (Seal) Marvin Dumeny Address: 709 Cortez Avenue, Lady Lake, FL. 32159</p>
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State of Florida
County of Marion

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 8th day of March, 2023, by Marvin Dumeny, a single person.

Jacqueline M. Becker
Signature Notary Public
Notary Public Printed Name: Jacqueline M. Becker

 JACQUELINE M. BECKER
Notary Public - State of Florida
Commission # HH 057244
My Comm. Expires Oct 26, 2024
Bonded Thru National Notary Services

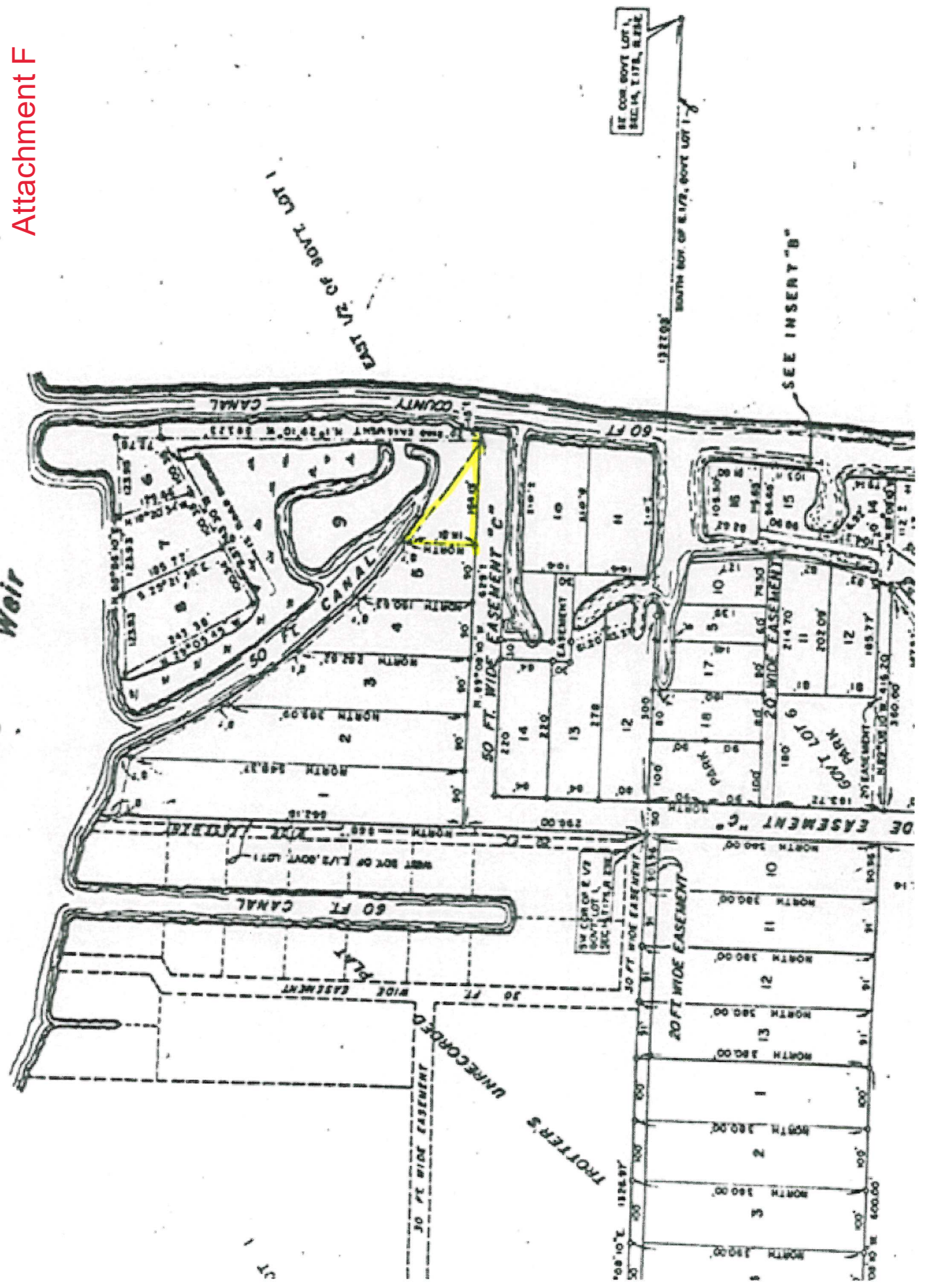
My Commission Expires: _____
Personally Known OR Produced Identification
Type of Identification Produced DH

(SEAL)

DEED Individual Warranty Deed - Legal on Face

Attachment F

Little Lake Weir





FLORIDA DEPARTMENT OF Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, FL 32399

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Memorandum

TO: Eugene F. Hart, Jr., PLS
CFL Surveying Solutions
4012 Northeast 174th Court
Silver Springs, FL 34488
Telephone: 352-454-4844
Email: cflsurveying@gmail.com

FROM: Kevin Mears, PLS II
Email: Kevin.Mears@FloridaDEP.gov

SUBJECT: Safe Upland Line (SUL)
River/Lake: Man-made waterway from Little Lake Weir
County: Marion
STR: Section 14, Township 17 South, Range 23 East
Location: 10843 Southeast 144th Place, Summerfield

DATE: October 31, 2023

Dear Mr. Hart,

Our records indicate that the submerged lands lying below the Ordinary High Water Line of the man-made waterway adjacent to the site are not state-owned sovereignty submerged lands.

The Ordinary High Water Line (OHWL) at this site is a regulatory line and has not been determined. Based on available records, as of this date, an elevation of 55.0 feet North American Vertical Datum of 1988 along the natural shoreline is sufficient for use as a Safe Upland Line (SUL), at or above the OHWL. The OHWL is an ambulatory line that will shift in response to long term natural changes in the shoreline (i.e., accretion, erosion, reliction and submergence). Changes in water levels in the future may require subsequent review and adjustment of this elevation.

Please contact me at the letterhead address, mail station 105, or by phone at (850) 245.2640 if you have any questions.

M. Kevin
Mears, P.S.M.

Digitally signed by M.
Kevin Mears, P.S.M.
Date: 2023.10.31
15:17:05 -04'00'

Approved



2324 LEU ROAD
 ORLANDO, FLORIDA 32803
 407.374.3681 – tel
 407.405.8725 – cell

April 8, 2024

James and Amanda Perry
 13311 SE 102nd Court
 Belleview, Florida 34420

RE: Wetland Jurisdictional Delineation and Report of Findings
 Little Lake Weir Property
 Marion County, Florida
 Thomson Project No. 24-1442-A

Thomson Environmental Consulting, LLC (Thomson) completed a Wetland Jurisdictional Delineation of the property identified as the Little Lake Weir Property (the “property”). The property is identified by the Marion County Property Appraiser as Parcel Identification No. 45824-000-00.

DOCUMENTED LITERATURE SEARCH

Prior to the field visit, documented literature sources, such as aerial photography, county soil surveys, topographic maps, and the National Wetland Inventory (NWI), were reviewed to identify potential areas of concern. The documented literature search is summarized below:

Aerial Photography – The property is visible in recent (2021) aerial photography as undeveloped land with dominant canopy tree coverage. A canal is visible along the eastern property boundary. See Figure 1 for an aerial photograph.

Marion County Soil Survey – The entire property (and surrounding area) is mapped as Samsula-Martel Complex, Depressional, which is a hydric soil typically indicative of wetland areas. See Figure 2 for a soils map.

USGS Topographic Map – The property is located within the *Lake Weir, Florida* USGS topographic quadrangle, and is identified at an elevation of approximately 55 feet above mean sea level (MSL). Open water is depicted along the eastern portion of the property, and no structures are depicted on the property. See Figure 3 for a USGS topographic map.

National Wetland Inventory (NWI) – The NWI identifies the eastern approximate ½ of the property as an excavated, open freshwater area with unconsolidated bottom. Refer to Figure 4 for the National Wetland Inventory (NWI) map.

WETLAND JURISDICTIONAL DELINEATION

A field visit to the property was conducted on April 1, 2024.

During the field visit, the entire property was visually surveyed for potential jurisdictional wetland and/or surface water areas.



2324 LEU ROAD
ORLANDO, FLORIDA 32803
407.374.3681 – tel
407.405.8725 – cell

Entering the property from SE 144th Place, the property was observed to contain uplands vegetated by scattered bahiagrass, carpetgrass, witchgrass, dog fennel, and other ruder upland species, as well as bare substrate with leaf litter. Several laurel oak trees provided a canopy coverage over much of the upland area. The soils were noted to be sandy in texture, light gray in color, and contain no hydric indicators. No indicators of hydrology were present in this area.

Along the eastern property boundary the elevation sloped downward approximately 5 feet in elevation to the surface water of a canal from Little Lake Weir. Near the water's edge a line of wetland vegetation was noted, including soft rush, pickerelweed, and beaksedge. This vegetation coincided with a marked change in soil texture to muck, and the wetland line was flagged with six wetland flags and/or pin flags placed in the ground (labeled "W1-1" through "W1-6") along this ecotone, which represented the jurisdictional wetland line on the property.

Refer to Figure 5 for a depiction of the wetland flags placed on the property, as well as a depiction of the jurisdictional wetland area (identified as Wetland 1 and measuring ± 0.17 acre). Note that the depictions of wetlands and uplands is based on Thomson's opinion and has not been reviewed and/or approved by any regulatory agency.

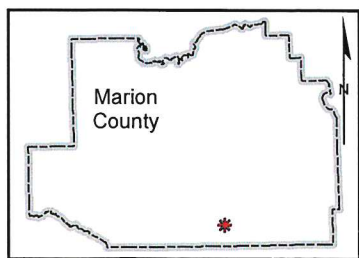
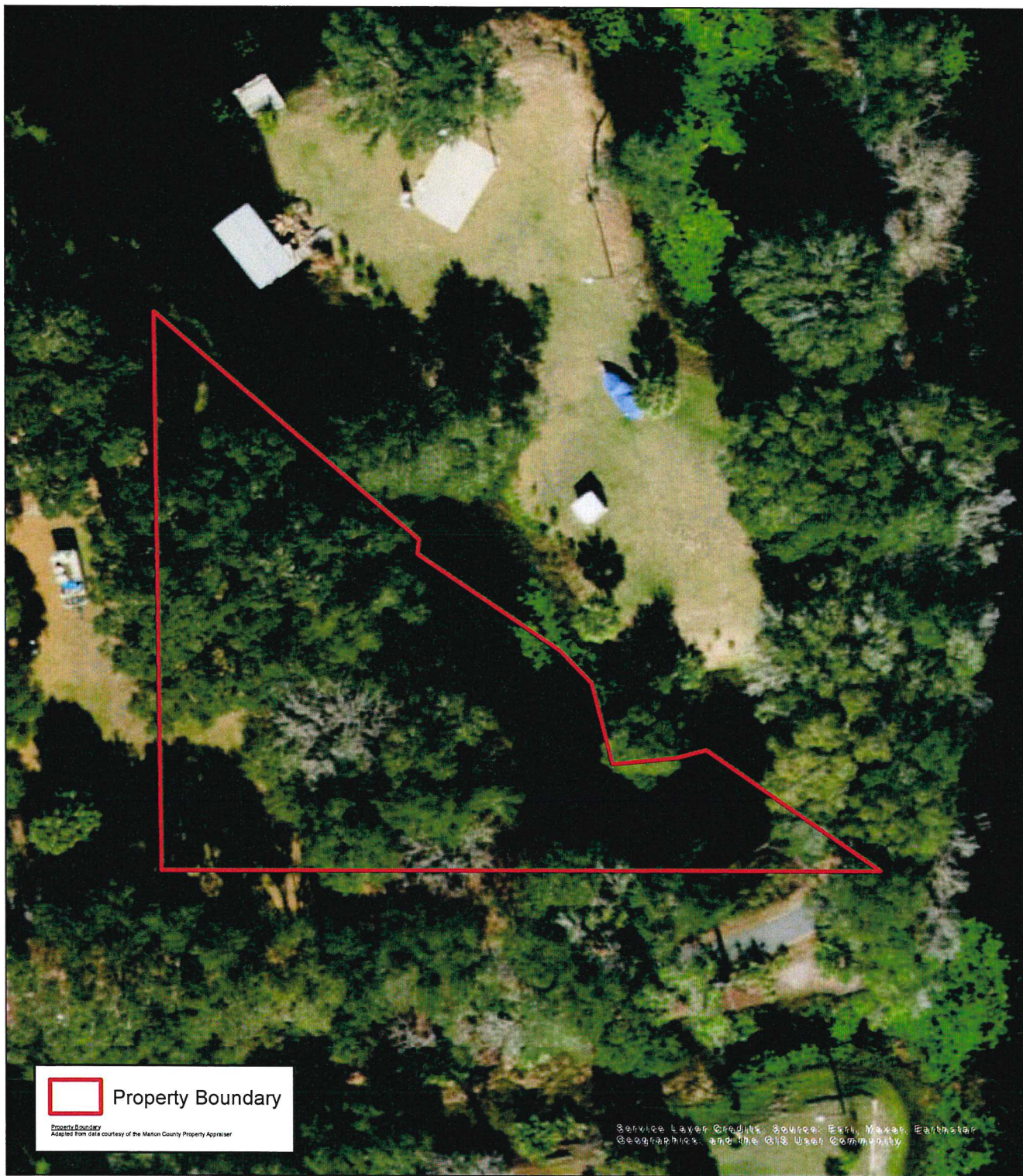
Thomson appreciates the opportunity to provide these services to you. If there are questions regarding this report, or a need for further information, please contact the undersigned at your convenience.

Respectfully,
Thomson Environmental Consulting, LLC

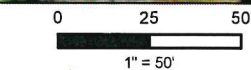
A handwritten signature in black ink, appearing to read "J. Thomson", is written over the printed name.

Joel A. Thomson
President

Attachments: Figures 1 – 5



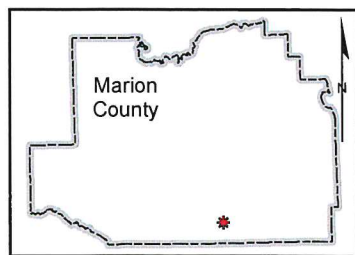
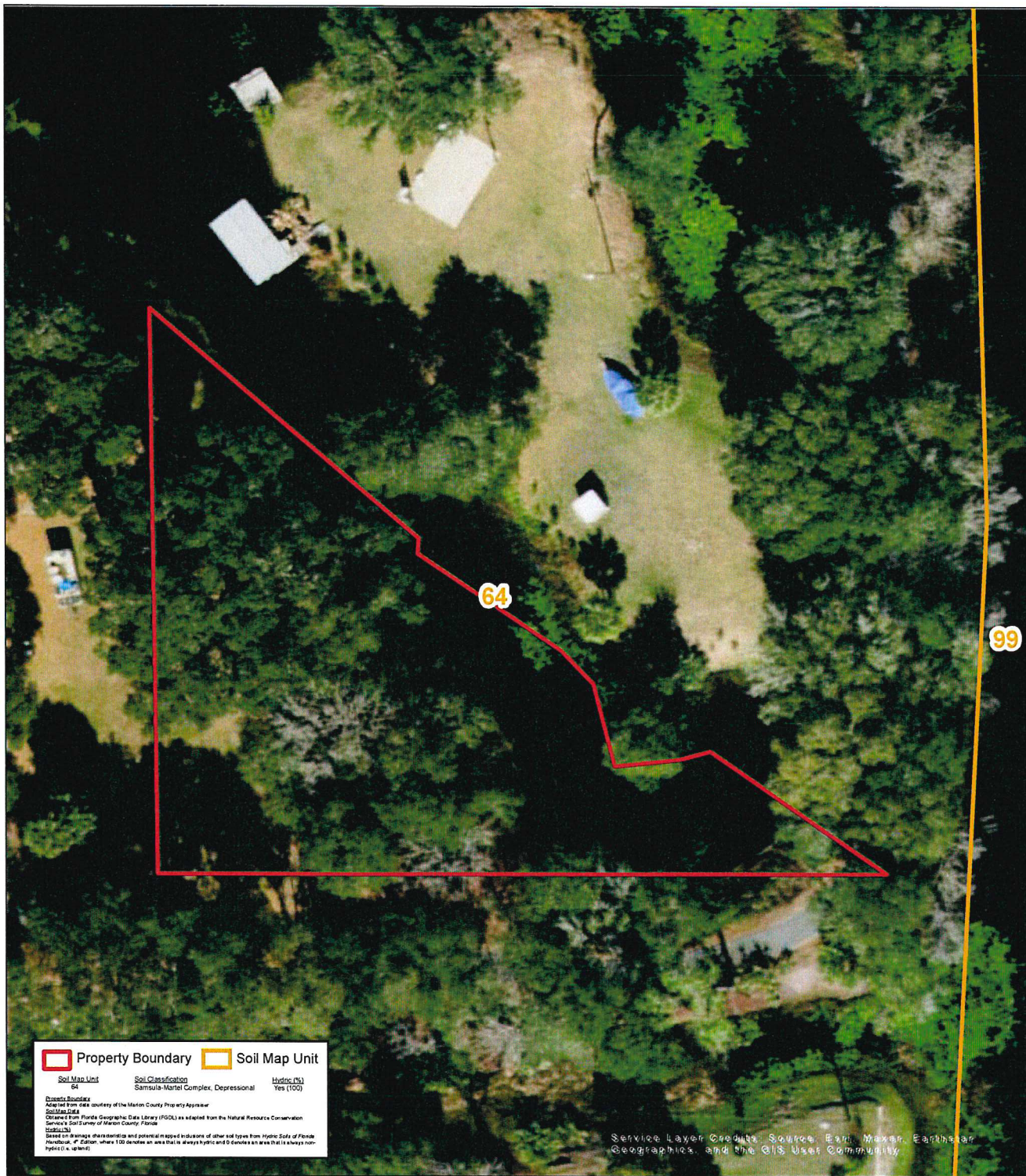
General Location



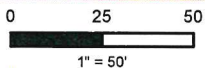

thomson
 ENVIRONMENTAL CONSULTING
 2324 LEU ROAD ORLANDO, FLORIDA 32803
 TEL 407.374.3681 CELL 407.405.8725
 www.thomsonenv.com

Figure 1
Aerial Photograph
 Little Lake Weir Property
 Marion County, Florida
 Section 14, Township 17 S, Range 23 E

Thomson Project No. 24-1442-A
 April 2024



General Location

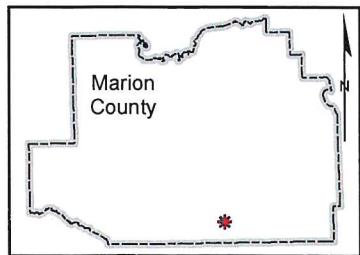
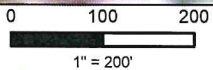


thomson
ENVIRONMENTAL CONSULTING

2324 LEU ROAD ORLANDO, FLORIDA 32803
TEL 407.374.3681 CELL 407.405.8725
WWW.THOMSONENV.COM

Figure 2
Soils Map
Little Lake Weir Property
Marion County, Florida
Section 14, Township 17 S, Range 23 E

Thomson Project No. 24-1442-A
April 2024



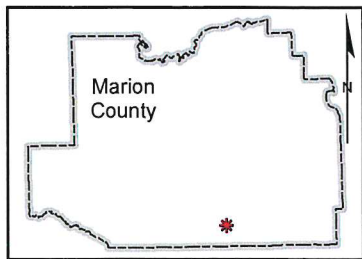
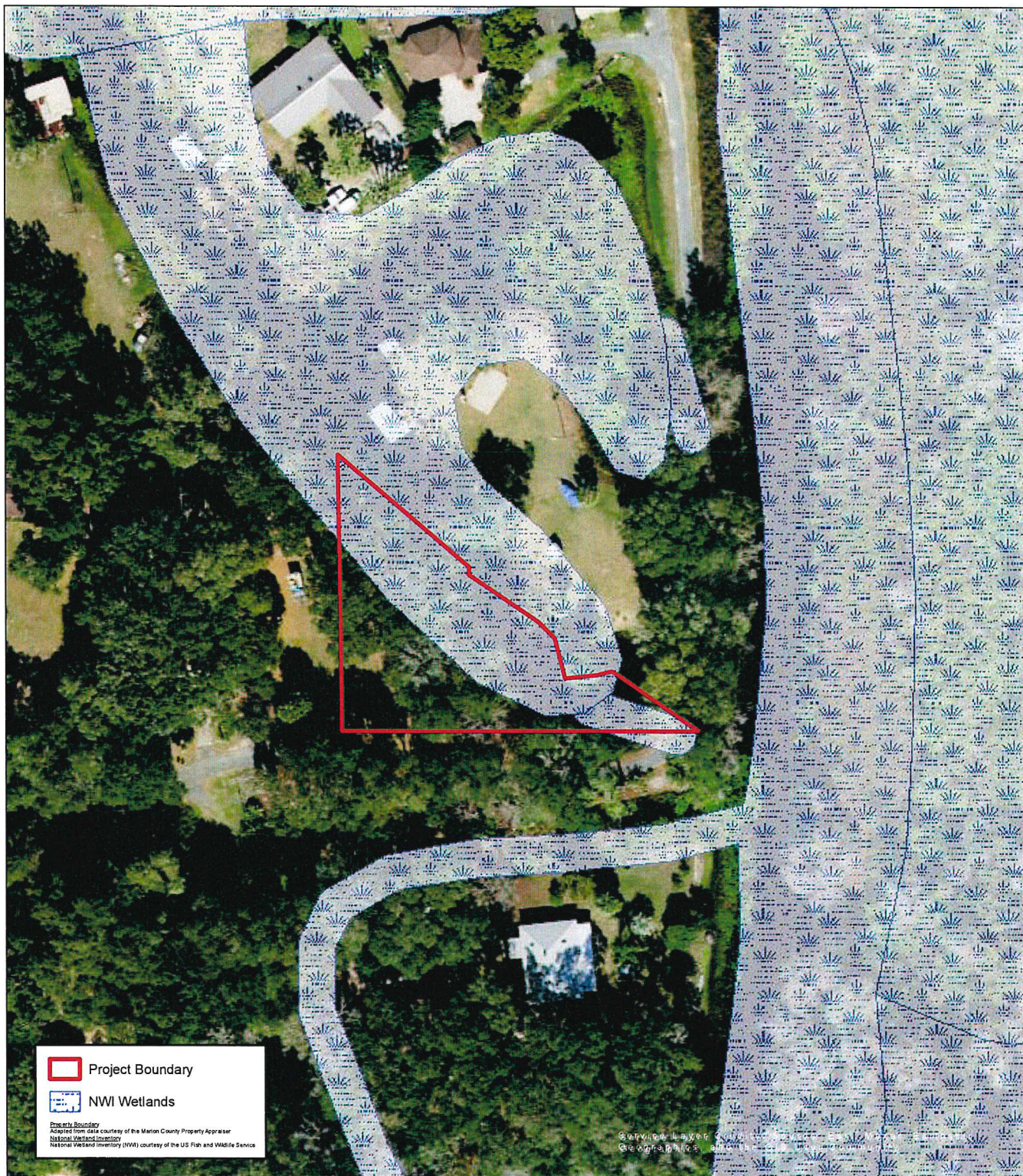
General Location



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Figure 3
Topographic Map
 Little Lake Weir Property
 Marion County, Florida
 Section 14, Township 17 S, Range 23 E

Thomson Project No. 24-1442-A
 April 2024



General Location

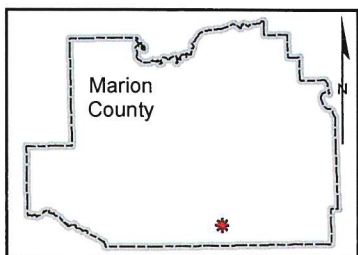
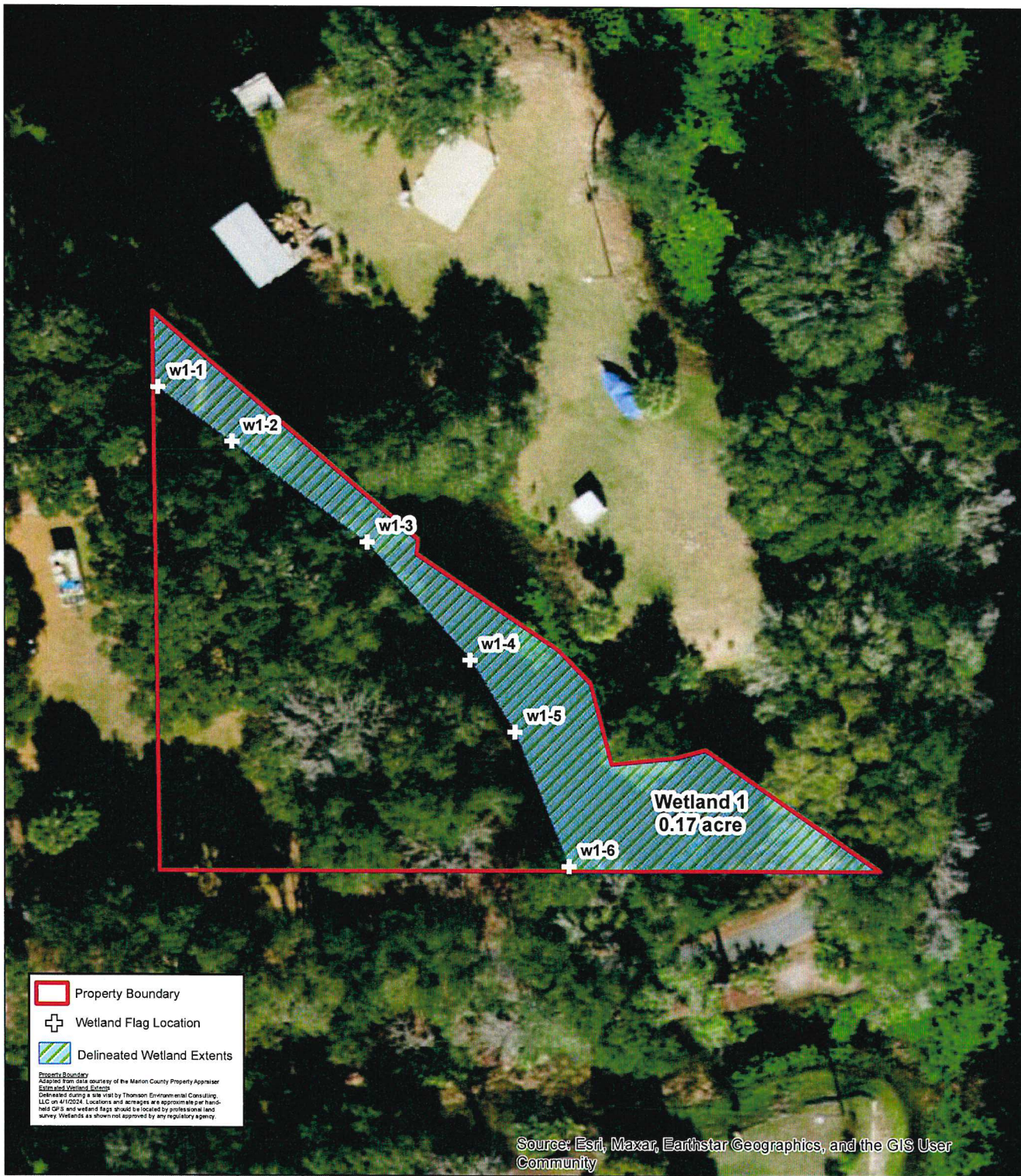


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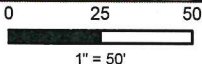
Figure 4
National Wetland Inventory Map

Little Lake Weir Property
 Marion County, Florida
 Section 14, Township 17 S, Range 23 E

Thomson Project No. 24-1442-A
 April 2024



General Location



2324 LEU ROAD ORLANDO, FLORIDA 32803
 TEL 407.374.3681 CELL 407.405.8725
 WWW.THOMSONENV.COM

Figure 5
Delineated Wetland Extents
 Little Lake Weir Property
 Marion County, Florida
 Section 14, Township 17 S, Range 23 E

Thomson Project No. 24-1442-A
 April 2024



Canal photo



Looking beyond wetland line



Looking East



Looking North from the road



Looking West



Northerly marker



Property line West side



Property line in the wetlands



Sign posting



Wetlands line



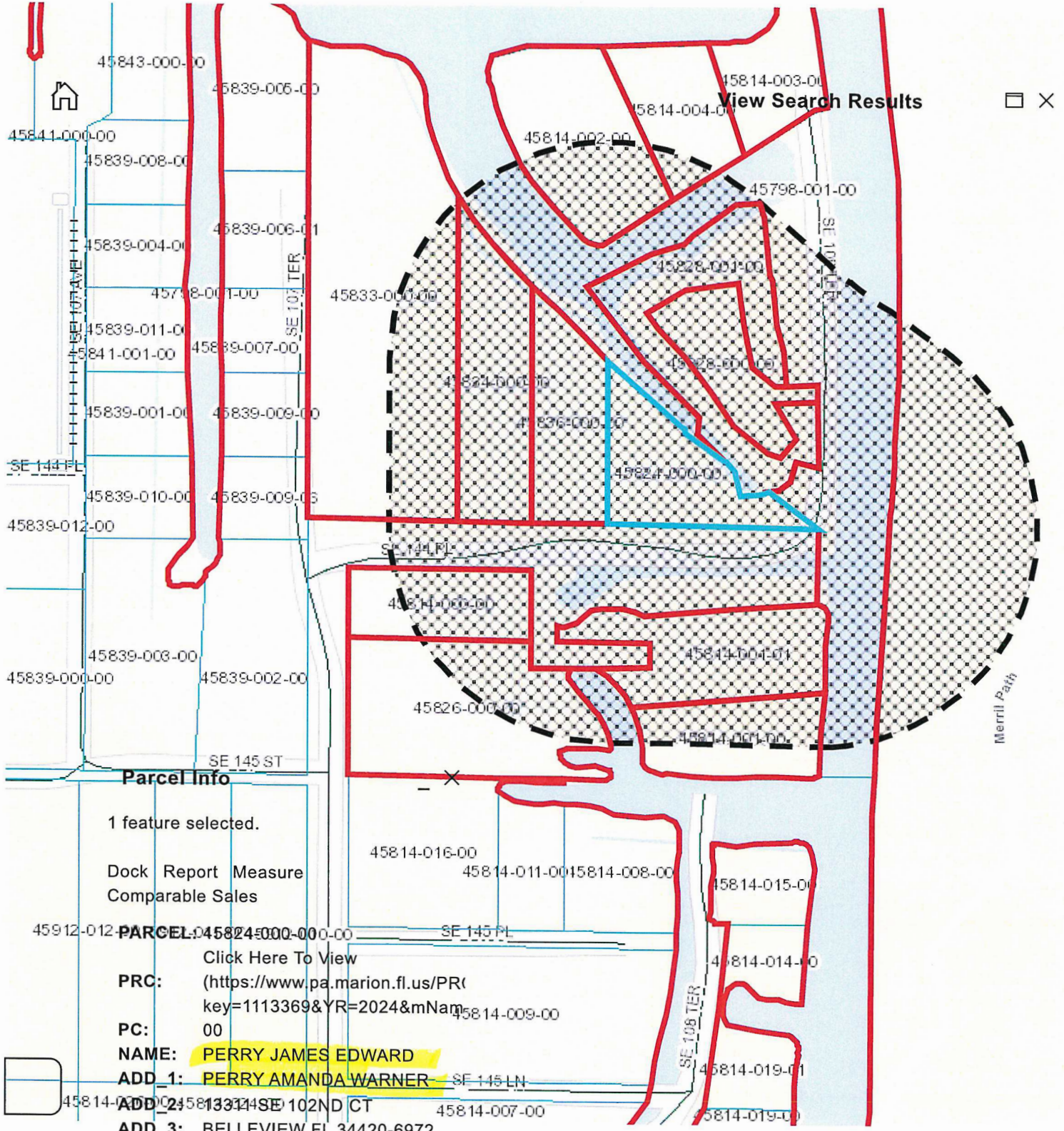
Wetlands photo



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

Attachment I

Updated every 24 hrs



1 feature selected.

Dock Report Measure
Comparable Sales

PARCEL: 45824-000-00
Click Here To View

PRC: (<https://www.pa.marion.fl.us/PRC?key=1113369&YR=2024&mName=45814-009-00>)

PC: 00

NAME: PERRY JAMES EDWARD

ADD_1: PERRY AMANDA WARNER

ADD_2: 13314 SE 102ND CT

ADD_3: BELLEVIEW FL 34420-6972

ADD_4: 200ft

2024-03-07A

[Click here for Legal Disclaimer](#)



Marion County Board of Adjustment

Agenda Item

File No.: 2024-15536

Agenda Date: 7/1/2024

Agenda No.: 2.2.

SUBJECT:

240703V - Robert P. Howes, requests a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the N. side setback from 25' to 13' for an existing pergola (trellis type shade structure), in a Light Industrial (M-1) zone on Parcel Account Number 36967-002-00 addressed as 9672 SE 58th Avenue, Belleview, FL 34420.

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
July 1, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

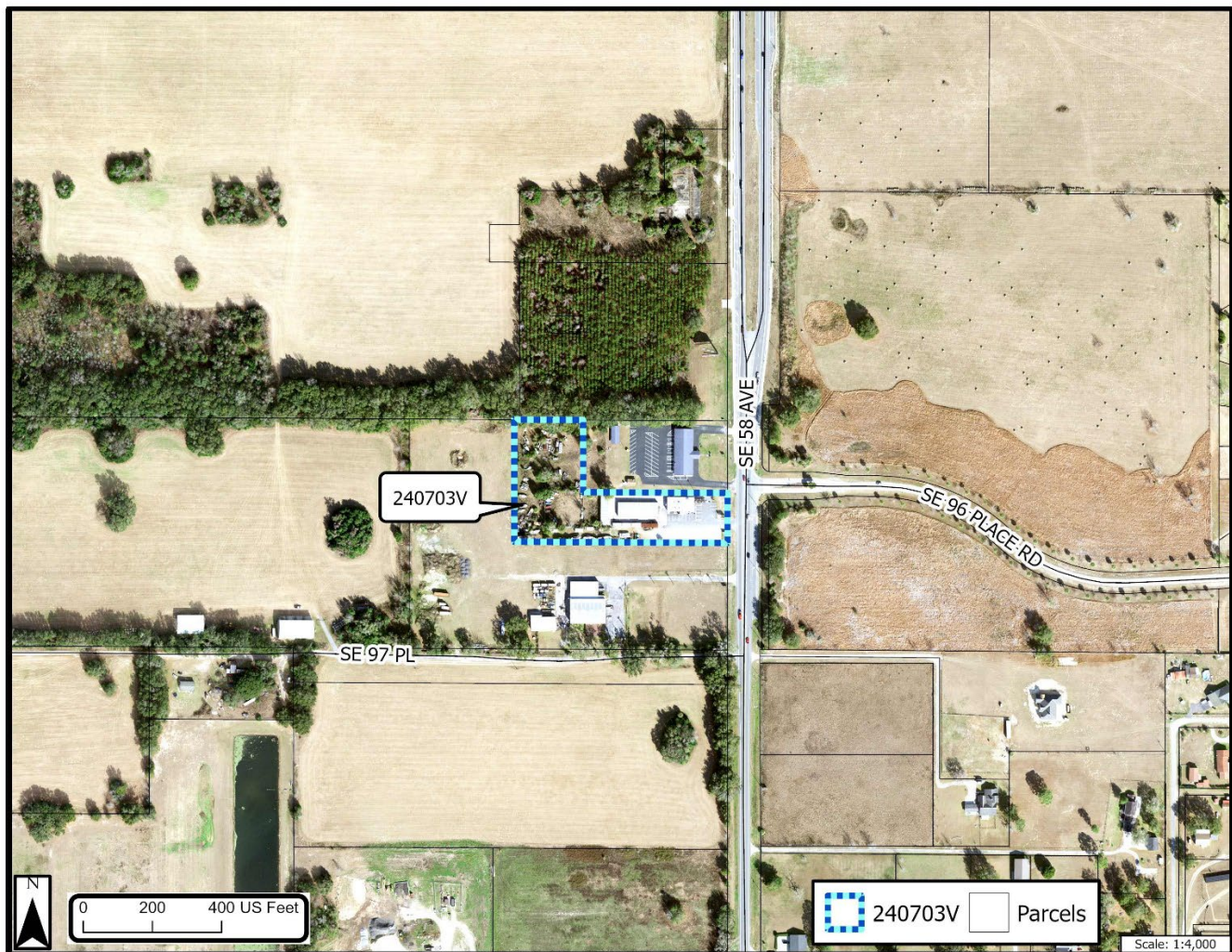
Case Number	240703V
Type of Case	Variance to reduce the North side setback from 25' to 13' for an existing Pergola, a trellis type of shade structure, in a Light Industrial (M-1) and General Agricultural (A-1) zoning classification.
Owner	Robert Paul Howes
Applicant	William Bow
Street Address	9672 SE 58 th Ave, Belleview, Florida 34420
Parcel Number	36967-002-00
Property Size	±2.76-acres
Future Land Use	Employment Center (EC)
Zoning Classification	Light Industrial (M-1) and General Agriculture (A-1)
Overlay Zone/Scenic Area	Urban Growth Boundary (UGB), Primary Springs Protection Overlay Zone (PSPOZ)
Project Planner	Lynda Smith, Zoning Technician I Cindy Gaughf, Zoning Technician III
Related Case(s)	Open Code Case 935384 - Detached covered seating area without permits.

I. ITEM SUMMARY

This is a request filed by the applicant William Bow, for owner Robert Paul Howes, for a variance from Land Development Code (LDC) Section 4.2.27(E) to reduce the north side setback from 25' to 13' for an existing pergola, a trellis type structure for shade, in a Light Industrial (M-1) and General Agriculture (A-1) zoning classification.

Figure 1 is an aerial photograph displaying the general location of the subject property.

FIGURE 1
GENERAL LOCATION MAP



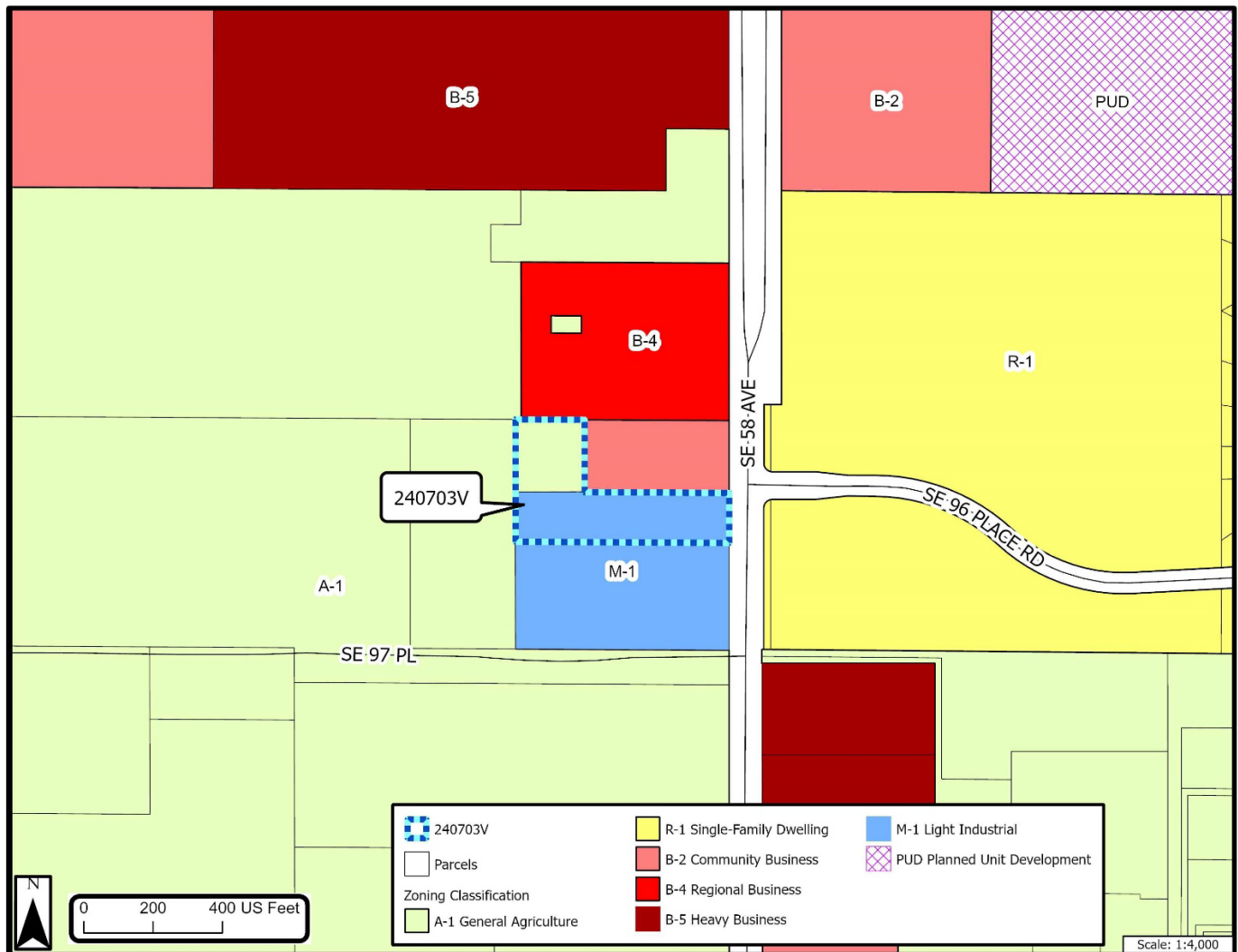
II. PUBLIC NOTICE

Notice of public hearing was mailed to 7 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 23, 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 ±2.76-acres and located within the Employment Center Future Land Use Map Series (FLUMS) designation with an M-1 and A-1 zoning classification.

FIGURE 2
AERIAL



IV. REQUEST STATEMENT

Applicant, William Bow, for owner, Robert Paul Howes, requests a variance from LDC Section 4.2.27(E), to reduce the north side setback from 25' to 13' for an existing pergola.

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 existing restaurant building was constructed in 1987, with a 13' side setback which was a legal and conforming side setback. Customers awaiting seating routinely are seated outside near the entrance, which is the only available area in the front which is not existing parking area. This area is located 70' from front property line. The proposed pergola is the minimum type structure that will provide for those waiting to be seated. The minimum side setback on M-1 zoned property dramatically increased from 0' to 25' in the current code adopted in 1992.

Staff: finds that there are no special conditions or circumstances that exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area. The main structure was built in 1987 which "grandfathered" it in to our current Land Development Code to allow for the 13' setback. The pergola in question was built about 3 years ago and must adhere to the current LDC required setbacks.

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

Analysis: The applicant states the existing restaurant building was constructed in 1987 with a 13' side setback which they wish to maintain for this additional trellis structure.

Staff: finds the special conditions and circumstances do result from the actions of the applicant. The main building was built in 1987 with setbacks being 70' in the front and 13' on the sides. The pergola was built about 3 years ago without a permit. If this had been permitted, the permit would have been rejected due to not meeting the current setbacks of 25' from the side property lines.

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: Applicant states that Article 4, section 4.4.27 regarding side setbacks in M-1 Zoning, changed in 1992 from 0' to 25', making the existing building non-conforming with regards to side setbacks. The applicant's hardship is that the proposed pergola (trellis shade structure) is to be located with the same setback as the restaurant, over an existing seating area, in the only location outside the parking area and 70' from the front of the property and well beyond the current front setback of 40'.

Staff: Zoning was changed in 1992. Setbacks for M-1 are now 25' from any side property line. The main structure built in 1987 was grandfathered in and accepted as legally non-conforming. The pergola was not permitted when built about 3 years ago. If it had been permitted, it would have been rejected because it did not meet the setbacks of 25' from the side property line. The pergola currently provides shade and a seating area while awaiting a table for inside the restaurant. Requiring the pergola to adhere to current code requirements would not deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification as any permitted structure of the same zoning classification would be required to meet the same setbacks.

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

Analysis: The request is for a pergola (trellis shade structure) over an existing outside seating area. It represents the minimum type of structure for this purpose as it is open and continues to provide for light and air circulation.

Staff: finds that for the proposed reduction of the setback from 25' to 13 is the minimum setback needed as requested by the applicant. It also is in an area close to the main building and on the side of the parking 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: As stated above, with the increase in code required setbacks in M-1, many properties have existing structures that are now non-conforming.

Staff: finds that granting of the request will confer on the applicant special privilege. If applicant had contacted Building or Zoning departments to see what the requirements are for accessories, they would have been advised of the current side setbacks of 25' and the need to apply for a permit.

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

Analysis: The requested structure will be located 70' from the front and 13' from the side property lines. Adjacent property to the north includes a guard rail and active driveway adjacent to the property lines supporting the Disabled American Veterans (DAV) Lodge Chapter #85 which is more than 80' from property line and has provided a letter of support for this application

Staff: finds that if the 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. Photos
- H. Code Case Information



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 4/25/24
INITIALS AW

TENTATIVE MEETING DATES

7/01/24

OFFICE USE ONLY

Received By: [Signature]

Date Received: 4/23/24

240703V

VARIANCE APPLICATION - AR#: 31477

Application #: 240703V
FOR COUNTY USE ONLY

PA#: 36967-002-00
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:

Reducing the side setback in M-1 (light industrial) zoning from 25' to 13' for ^{an existing} pergola (trellis shade structure) addition to customer seating area at existing restaurant which was constructed 13' from north property boundary in 1987 when code required 0' side setback.

Section of Code requesting variance from: **4.2.27 Light Industrial (M-1)**

Legal Description (Please attach a copy of deed). Total Acreage of subject property: **2.76** +/- acres

Directions to subject property:
East on Maricamp to Baseline Rd (SE 58th Ave) turn right, proceed south to 9673 SE 58th Ave on right next to Disabled American Veterans (DAV) Chapter #85
Situs: 9672 SE 58th Ave, Belleview, 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.

Paul R Howes (Print/Signature) Property Owner [Signature]

[Signature] **William Bow**, applicant (Print) Applicant or Agent

P.O. Box 1359
Address

9672 SE 58th Ave.
Address

Belleview, FL 34421
City, State, Zip Code

Belleview, FL 34420
City, State, Zip Code

cell 352.553.6808
Contact Info: Phone, cell, e-mail address

cell 352.406.1021, bowing74@gmail.com
Contact Info: Phone, cell, e-mail address

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

PROJECT: 2005030084
AR: 31477

Sec. 24-16-22
Code Case #: 935384 -
JR
Reg. Off.

"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 existing restaurant building was constructed in 1987, with a 13' side setback which was a legal and conforming side setback. Customers awaiting seating routinely are seated outside near the entrance, which is the only available area in the front which is not existing parking area. This area is located 70' from front property line. The proposed pergola is the minimum type structure that will provide shade for those waiting to be seated. The minimum side setback on M-1 zoned property dramatically increased from 0' to 25' in the current code adopted in 1992. Many properties with the same zoning classifications had pre-existing improvements which have required setback variances for additions such as this. This request will include the same side setback as the existing building 's location.

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

Applicant's justification:

The existing restaurant building was constructed in 1987, with a 13' side setback which we wish to maintain for this additional trellis structure.

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:

Article 4 Section 4.4.27, regarding side setbacks in M-1 zoning, changed in 1992 from 0' to 25', making the existing building non-conforming with regards to side setbacks. The applicants hardship is that the proposed trellis shade structure is to be located with the same setback as the restaurant, over an existing seating area, in the only location outside the parking area and 70' from the front of the property and well beyond the current front setback (40').

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

Applicant's justification:

The request is for a trellis shade structure over existing outside seating area. It represents the minimum type of structure for this purpose as it is open and continues to provide for light and air circulation.

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 before, with the increase in code required setbacks in M-1 many properties have existing structures that are now non-conforming.

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

Applicant's justification:

The requested structure will be located 70' from the front and 13' from the side. Adjacent property to the north includes a guard rail and active driveway adjacent to the property line supporting the Disabled American Veterans (DAV)Lodge Chapter #85 which is more than 80' from property line and has provided a letter of support for this application.

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

36967-002-00 ✓

GOOGLE Street View

Prime Key: 1887381

Beta MAP IT+

Current as of 4/25/2024

Property Information

M.S.T.U.

PC: 48

✓ Acres: 2.76

HOWES ROBERT PAUL ✓
 PO BOX 1359
 BELLEVIEW FL 34421-1359

Taxes / Assessments:

Map ID: 216

Millage: 9001 - UNINCORPORATED

More Situs

Situs: Situs: 9672 SE 58TH AVE
 BELLEVIEW

2023 Certified Property Value by Income

Land Just Value	N/A	
Buildings	N/A	
Miscellaneous	N/A	
Total Just Value	\$393,594	<u>Ex Codes:</u>
Total Assessed Value	\$393,594	
Exemptions	\$0	
Total Taxable	\$393,594	

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$132,666	\$392,189	\$15,594	\$393,594	\$393,594	\$0	\$393,594
2022	\$88,444	\$351,315	\$18,153	\$370,871	\$370,871	\$0	\$370,871
2021	\$88,444	\$168,569	\$19,262	\$240,881	\$240,881	\$0	\$240,881

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
<u>5094/0680</u>	09/2008	08 CORRECTIVE	0	U	I	\$100
<u>3578/1277</u>	06/2003	26 TRUSTEE	8 ALLOCATED	U	V	\$100
<u>2866/0031</u>	11/2000	60 CRT ORD	0	U	V	\$100
<u>2754/1805</u>	02/2000	60 CRT ORD	0	U	V	\$100
<u>2749/0683</u>	01/2000	06 SPECIAL WARRANTY	0	U	V	\$100
<u>2754/1767</u>	10/1998	74 PROBATE	0	U	V	\$100
<u>1244/0742</u>	09/1984	07 WARRANTY	0	U	V	\$100

Property Description

SEC 24 TWP 16 RGE 22 ✓
 S 104.36 FT OF E 467.42 FT OF N 313.07 FT OF S 3/4 OF SE 1/4
 EX E 50 FT THEREOF &
 N 353.07 FT OF E 666.50 FT OF S 1/2 OF N 1/2 OF SE 1/4 LESS
 & EXC E 50 FT FOR RD ROW & EXC E 467.42 FT OF N 313 FT

Parent Parcel: 36967-000-00

Land Data - Warning: Verify Zoning

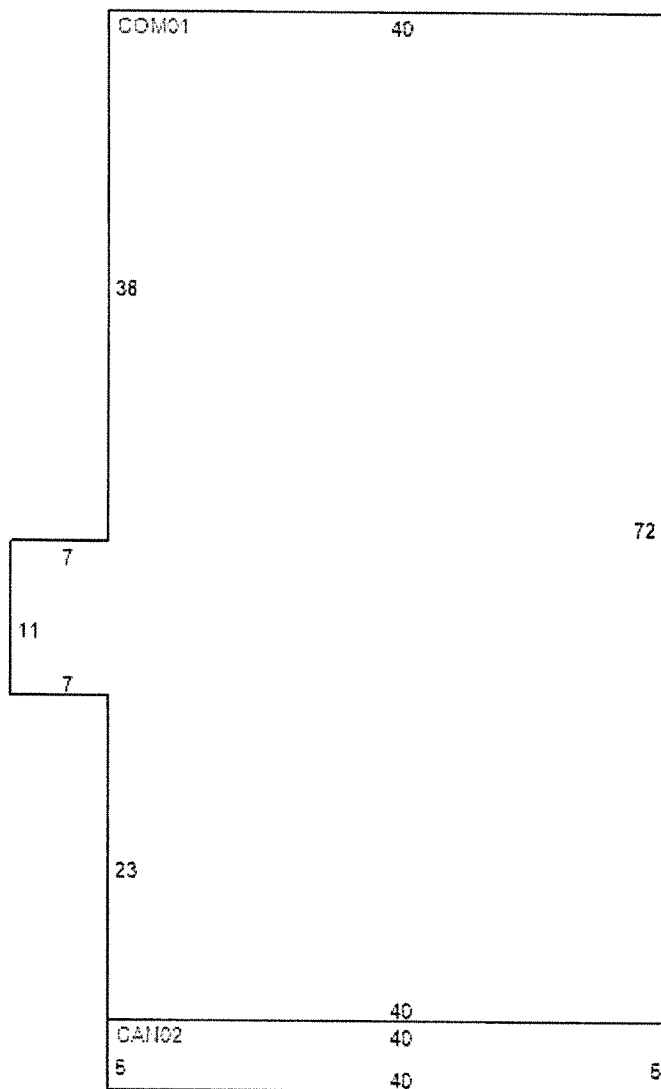
Use	CUse	Front	Depth	Zoning	Units Type	Rate	Loc	Shp	Phy	Class	Value	Just Value
GISF	4860	.0	.0	M1	54,377.00 SF							
GCAC	4950	.0	.0	A1	.96 AC							
GISF	2130	.0	.0	M1	24,467.00 SF							

Neighborhood 9913 - COMM BASELINE R S OF MARICAMP
 Mkt: 2 70

Traverse

Building 1 of 3

COM01=R40U72L40D38L7D11R7D23.
 CAN02=D5R40U5L40.



Building Characteristics

Structure	1 - WH STL FR	Year Built 1987
Effective Age	3 - 10-14 YRS	Physical Deterioration 0%
Condition	2	Obsolescence: Functional 0%
Quality Grade	500 - FAIR	Obsolescence: Locational 0%
Inspected on	8/20/2021 by 117	Base Perimeter 238

Exterior Wall 18 PREFINISHED MTL68 STONE VEN-WD

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	Sprinkler	A/C
1	13.5	1.00	1987	0	2,957	F21 RESTAURANT	100 %	N Y
2	13.0	1.00	1987	0	200	CAN CANOPY-ATTACHD	100 %	N N

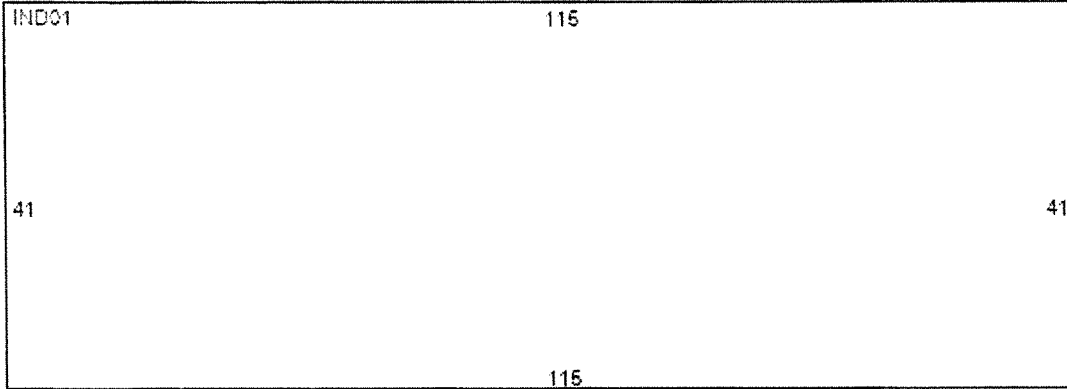
Section: 1

Elevator Shafts: 0	Aprtments: 0	Kitchens: 0	4 Fixture Baths: 0	2 Fixture Baths: 2
Elevator Landings: 0	Escalators: 0	Fireplaces: 0	3 Fixture Baths: 0	Extra Fixtures: 8

Traverse

Building 2 of 3

IND01=R115U41L115D41.



Building Characteristics

Structure	4 - MASONRY NO PILAST	Year Built 1989
Effective Age	6 - 25-29 YRS	Physical Deterioration 0%
Condition	0	Obsolescence: Functional 0%
Quality Grade	400 - FAIR	Obsolescence: Locational 0%
Inspected on	8/20/2021 by 117	Base Perimeter 312

Exterior Wall 24 CONC BLK-PAINT

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	Sprinkler	A/C
1	10.0	1.00	1989	0	4,715	S48 MINI STORAGE	100 %	N N

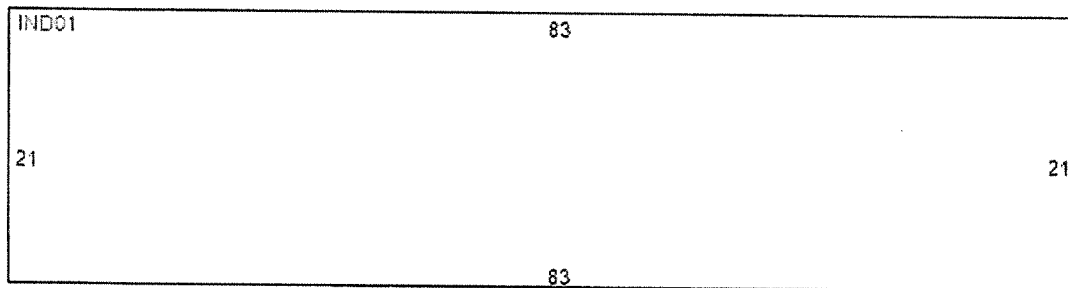
Section: 1

Elevator Shafts: 0	Aprtments: 0	Kitchens: 0	4 Fixture Baths: 0	2 Fixture Baths: 0
Elevator Landings: 0	Escalators: 0	Fireplaces: 0	3 Fixture Baths: 0	Extra Fixtures: 0

Traverse

Building 3 of 3

IND01=R83U21L83D21.



Building Characteristics

Structure	4 - MASONRY NO PILAST	Year Built 1989
Effective Age	6 - 25-29 YRS	Physical Deterioration 0%
Condition	0	Obsolescence: Functional 0%
Quality Grade	400 - FAIR	Obsolescence: Locational 0%
Inspected on	8/20/2021 by 117	Base Perimeter 208

Exterior Wall 24 CONC BLK-PAINT

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	Sprinkler	A/C
1	9.0	1.00	1989	0	1,743	S48 MINI STORAGE	100 %	N N

Section: 1

Elevator Shafts: 0	Aprtments: 0	Kitchens: 0	4 Fixture Baths: 0	2 Fixture Baths: 0
Elevator Landings: 0	Escalators: 0	Fireplaces: 0	3 Fixture Baths: 0	Extra Fixtures: 0

Miscellaneous Improvements

MCPA Property Record Card

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
190 SEPTIC 1-5 BTH	1.00	UT	99	1987	2	0.0	0.0
256 WELL 1-5 BTH	1.00	UT	99	1987	2	0.0	0.0
144 PAVING ASPHALT	10,585.00	SF	5	1987	3	0.0	0.0
144 PAVING ASPHALT	7,708.00	SF	5	2021	3	0.0	0.0
105 FENCE CHAIN LK	460.00	LF	20	1990	4	0.0	0.0

Appraiser Notes

BASELINE STORAGE
 BLDG #1=FLYING BOAT TAP ROOM ✓
 -
 BLDG #2= MINI WAREHOUSE/ VACANT
 -
 BLDG #3= MINI WAREHOUSE/VACANT
 -

Planning and Building

** Permit Search **

Permit Number	Date Issued	Date Completed	Description
2023060227	7/3/2023	11/2/2023	36 KW STANDBY GENERATOR INSTALL
2020101933	10/23/2020	7/28/2021	ROOF OVER SPRAY POLYURETHANE OVER ROOF SURFACE FL 11066.2
2020040476	8/11/2020	7/20/2021	COMMERCIAL RENOVATION
2020051030	7/28/2020	9/9/2021	NEW CERTIFICATE OF OCCUPANCY: PIZZA AND BEER RESTAURANT
2012080362	8/3/2012	8/30/2012	RECONNECT
MA18999	12/1/1988	12/1/1989	WAREHOUSE
MA03126	4/1/1987	10/1/1987	CONSTRUCTION

DAVID R. ELLSPERMANN, CLERK OF COURT MARION COUNTY

DATE: 09/10/2008 04:33:58 PM

FILE #: 2008091613 OR BK 05094 PGS 0680-0684

Rec. 44
DS 44.70

Prepared by and return to:
H. Randolph Klein, Esq.
333 NW Third Avenue
Ocala, FL 34475



RECORDING FEES 44.00

DEED DOC TAX 0.70

CP

Space Above This Line for Recording Data

CORRECTIVE TRUSTEE'S DEED

BY THIS DEED, JERRY D. DRIGGERS, ROBERT PAUL HOWES and HOWARD MICHAEL MOODY, individually and as Successor Co-Trustees of that certain HARRY MOODY LIVING TRUST AGREEMENT DATED 9/16/83, Amended thereafter on 10/2/98, 5/27/99, Amended and Restated on 12/23/99, further Amended on 12/29/99 and 1/26/2000, whose address is 9786 Northeast 17th Path, Wildwood, Florida 34485, herein called GRANTOR, in consideration of the sum of TEN DOLLARS (\$10.00) paid by ROBERT PAUL HOWES, whose post office address is Post Office Box 1359, Belleview, Florida 34421, herein called GRANTEE, the following real property in Marion County, Florida:

Legal Description on Exhibit "A" attached hereto.

This is a Corrective Trustee's Deed given to join additional Successor Co-Trustees that unrecorded Amendments to the Trust demonstrate should have joined as Grantors in that certain Trustee's Deed in favor of Grantee, recorded in O.R. Book 3578, Page 1277, public records of Marion County, Florida.

GRANTOR COVENANTS with Grantee that Grantor has good right and lawful authority to sell and convey the property and Grantor warrants the title to the property for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through or under Grantor.

"Grantor" and "Grantee" are used for singular and plural as context requires.

Signed, sealed and delivered
in the presence of:

Alison Majors
Witness #1 Signature

Alison Majors
Printed Signature

Mariah Chaffin
Witness #2 Signature

Mariah Chaffin
Printed Signature

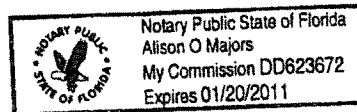
JERRY D. DRIGGERS
JERRY D. DRIGGERS, individually
and as Successor Co-Trustee

STATE OF FLORIDA
COUNTY OF MARION

I HEREBY CERTIFY, that on this day before me, an officer duly qualified to take acknowledgements, personally appeared **JERRY D. DRIGGERS**, individually and as Successor Co-Trustee of that certain HARRY MOODY LIVING TRUST AGREEMENT DATED 9/16/83, Amended thereafter on 10/2/98, 5/27/99, Amended and Restated on 12/23/99, further Amended on 12/29/99 and 1/26/2000, who is/are personally known to me or produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of August, 2008.

Alison O. Majors
Notary Public
My commission expires:



Signed, sealed and delivered
in the presence of:

Alison Majors
Witness #1 Signature

Alison Majors
Printed Signature

Mariah Chaffin
Witness #2 Signature

Mariah Chaffin
Printed Signature

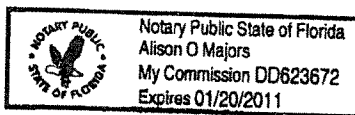
Robert Paul Howes
ROBERT PAUL HOWES, individually
and as Successor Co-Trustee

STATE OF FLORIDA
COUNTY OF MARION

I **HEREBY CERTIFY**, that on this day before me, an officer duly qualified to take acknowledgements, personally appeared **ROBERT PAUL HOWES**, individually and as Successor Co-Trustee of that certain HARRY MOODY LIVING TRUST AGREEMENT DATED 9/16/83, Amended thereafter on 10/2/98, 5/27/99, Amended and Restated on 12/23/99, further Amended on 12/29/99 and 1/26/2000, who is/are personally known to me or produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of August, 2008.

Alison O. Majors
Notary Public
My commission expires:



Signed, sealed and delivered
in the presence of:

Alison Majors

Witness #1 Signature

Alison Majors

Printed Signature

Mariah Chaffin

Witness #2 Signature

Mariah Chaffin

Printed Signature

Howard Michael Moody
HOWARD MICHAEL MOODY, individually
and as Successor Co-Trustee

STATE OF FLORIDA
COUNTY OF MARION

I **HEREBY CERTIFY**, that on this day before me, an officer duly qualified to take acknowledgements, personally appeared **HOWARD MICHAEL MOODY**, individually and as Successor Co-Trustee of that certain **HARRY MOODY LIVING TRUST AGREEMENT DATED 9/16/83**, Amended thereafter on 10/2/98, 5/27/99, Amended and Restated on 12/23/99, further Amended on 12/29/99 and 1/26/2000, (✓) who is/are personally known to me or produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 19th day of August, 2008.

Alison O. Majors
Notary Public
My commission expires:

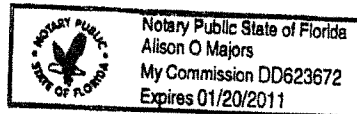


EXHIBIT "A"

Tax Parcel No. 31997-000-00

All that part of the South 1/2 of the SE 1/4 of Section 8, Township 15 South, Range 24 East, lying between the Old Daytona Highway (known prior to 1952 as the New Daytona Highway) and that certain highway constructed in 1952 presently known as the New Daytona Highway (State Road #40) LESS AND EXCEPT that portion of said property conveyed to the State of Florida in that certain right of way Deed dated June 16, 1952, and filed for record August 1, 1952 in Deed Book 303, Page 410, of the public records of Marion County, Florida.

AND

Tax Parcel No. 2854-039-001

Section 18, Township 15 South, Range 22 East, Plat Book E, Page 001, OLD SURVEY Ocala, The North 40 feet of the East 100 feet of Block 36, EXCEPT that part previously taken by condemnation for road right-of-way.

AND

✓ Tax Parcel No. 36967-002-00

Section 24, Township 16 South, Range 22 East, South 104.36 Feet of East 467.42 feet of North 313.07 feet of South 3/4 of SE 1/4, EXCEPT East 50 feet thereof.

AND

A Portion of Tax Parcel No. 36967-004-03

The North 353.07 feet of the East 666.50 feet of the South 1/2 of the North 1/2 of the SE 1/4 of Section 24, Township 16 South, Range 22 East, Marion County, Florida, LESS AND EXCEPT the East 50 feet thereof for road right of way of County Road C-35. AND EXCEPT the East 467.42 feet of the North 313.00 feet.

THIS IS A DEED FROM A TRUSTEE TO A BENEFICIARY EXEMPT FROM DOCUMENTARY STAMPS, PURSUANT TO RULE 12 B-4.013(33) (e)

realestate/moody Trustee's Deed 1✓



SE 58 AVE

Disabled
American
Veterans-Chapter 85

240703V



240703V

Parcels

Attachment G



East (Front) looking West at the front of the building. Pergola on right



East (Front) of property looking West down 13' setback Pergola on left



South looking North at Pergola



East, Front of property looking west at main structure and Pergola



Front of main structure with address on the front

Code Case Detail Report

CDPR4204 - Code Case Detail Report

CASE NBR: 935384**AO NBR:** 658811OLD CASE NBRSTATUS: OPENINSPECTOR: ROGERS, JAMESCASE TYPE: STRUCTURALFOLIO NBR: 36967-002-00AO INFORMATIONOPEN DATE 10/23/2023OPEN USER BU341RACOMPL NAME MIKE SAVAGE SRCOMPL PHONE 352-438-2400COMPL ADDRESS 2710 E SILVER SPRINGS BLVDCOMPL FAXCASE INFORMATIONADDR NBR: 136103LOCATION: 9672 SE 58TH AVE BELLEVIEWOPEN DATE: 10/24/2023DISPOSITION NOTICE OF VIOLATIONCLOSE DATE:DISP BY:DISP DATE:DIRECTIONS:CATEGORY: CON - PERMITSPRIORITY: 0LAST VISIT ID: 597220 ZIP: 34421-1359HEARING DATE:CONTACT?:DESCRIPTION:PHYSICAL FILE ID:

DETACHED COVERED SEATING AREA WIITHOUT PERMITS

CONTACT INFORMATION:TENANT INFORMATION:PHONE:FAX:PHONE:FAX:OWNER INFORMATION:VIOLATOR INFORMATION:

ROBERT PAUL HOWES

PO BOX 1359

BELLEVIEW, FL 34421-1359

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

MIKE SAVAGE SR

352-438-2400

2710 E SILVER SPRINGS BLVD

ACTION ORDER NOTES:VISITS:

<u>VISIT NBR</u>	<u>INSPECTOR</u>	<u>NAME</u>	<u>SCHEDULED DATE</u>	<u>VISIT DATE</u>	<u>NBR DAYS COMP</u>
597220	BU341JR3	ROGERS, JAMES		11/22/2023	
EXTENDED TILL 1/31/23					

LETTERS:

<u>REF TYPE</u>	<u>LETTER NAME</u>	<u>RQST DATE</u>	<u>PRINT DATE</u>	<u>SEND DATE</u>	<u>STATUS</u>
CC	BLDG1 - FBC - 7'	10/24/2023			ACTV
CC	BLDG1 - FBC - 7'	01/31/2024			ACTV

VIOLATIONS:

<u>STATUS</u>	<u>GROUP</u>	<u>CODE</u>	<u>VIOL. DATE</u>	<u>DESCRIPTION/REMARKS</u>
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CASE NBR: 935384

AO NBR: 658811

OLD CASE NBR

STATUS: OPEN

INSPECTOR: ROGERS, JAMES

CASE TYPE: STRUCTURAL

FOLIO NBR: 36967-002-00

IMAGES:

<u>IMAGE DATE</u>	<u>IMAGE DESCRIPTION</u>
10/23/2023	STRUCTURE

NOTES:



Marion County Board of Adjustment

Agenda Item

File No.: 2024-15537

Agenda Date: 7/1/2024

Agenda No.: 2.3.

SUBJECT:

240704V - Bradley A. Christopher, requests a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front (canal) setback from 75' to 42' for a proposed SFR and from 75' to 25' for a proposed pool & patio, in a Single-Family Dwelling (R-1) zone on Parcel Account Number 16653-008-08 (un)addressed as (00) NE 303rd Court Road, Salt Springs, FL 32134.

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
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*



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

MG 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: .29 +/- acres

R-1

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.

Situa: 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

[Signature]

(Print/Signature) Property Owner

(Print) Applicant or Agent

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

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 #: 20240406
AR#: 31483*

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

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 ESQZ 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	Ex Codes:
Exemptions	\$0	
Total Taxable	\$53,438	

[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	E I 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	RI	75.00	FF						

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

[Miscellaneous Improvements](#)

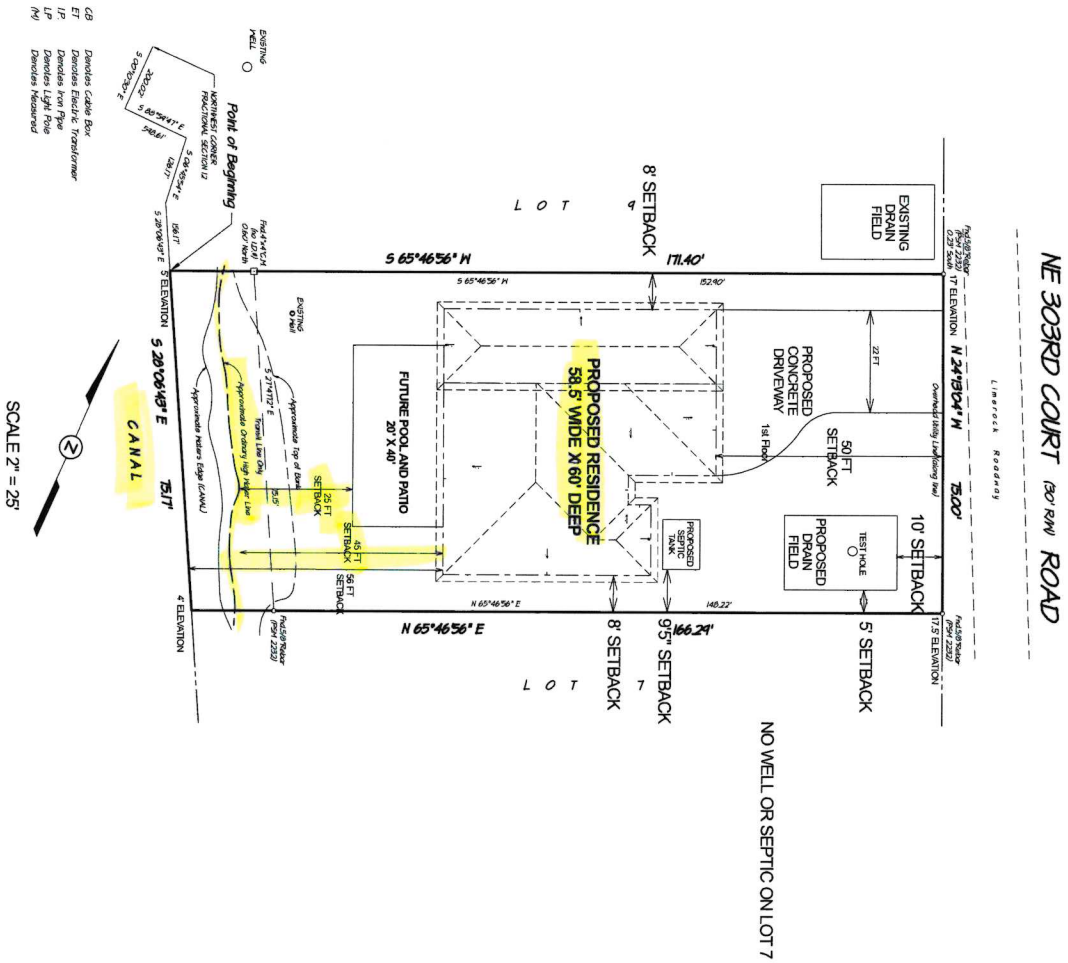
Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
------	-----------	------	------	---------	-------	--------	-------

[Appraiser Notes](#)

[Planning and Building](#)

** Permit Search **

Permit Number	Date Issued	Date Completed	Description



SCALE 2" = 25'

- CB Ditches Cable Box
- ET Ditches Electric Transformer
- FP Ditches from Pipe
- LI Ditches from Line
- MI Ditches Retained

<p>A-2</p>	<p>SHEET:</p>	<p>SCALE:</p>	<p>DATE:</p>	<p>DRAWINGS PROVIDED BY: Michael Rabon Rabon Engineering LLC</p>	<p>PROJECT DESCRIPTION: Christopher Residence</p>	<p>SHEET TITLE: Site Plan</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 5%;">NO.</th> <th style="width: 45%;">DESCRIPTION</th> <th style="width: 15%;">BY</th> <th style="width: 35%;">DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE									
NO.	DESCRIPTION	BY	DATE																	

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:

[Signature]
Witness Signature

Jessica Cayer
Printed Name of First Witness

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

[Signature]
Witness Signature

Melissa Griffin
Printed Name of Second Witness

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

[Signature]
Lisa H Long

Grantor Address:
162 Roberta Rd
Ormond Beach, FL 32176

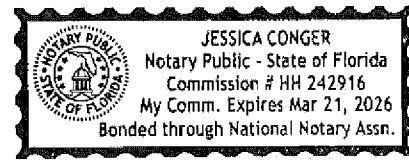
STATE OF FLORIDA
COUNTY OF VOLUSIA

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.

[Signature]
Notary Public

Jessica Cayer
Printed Name

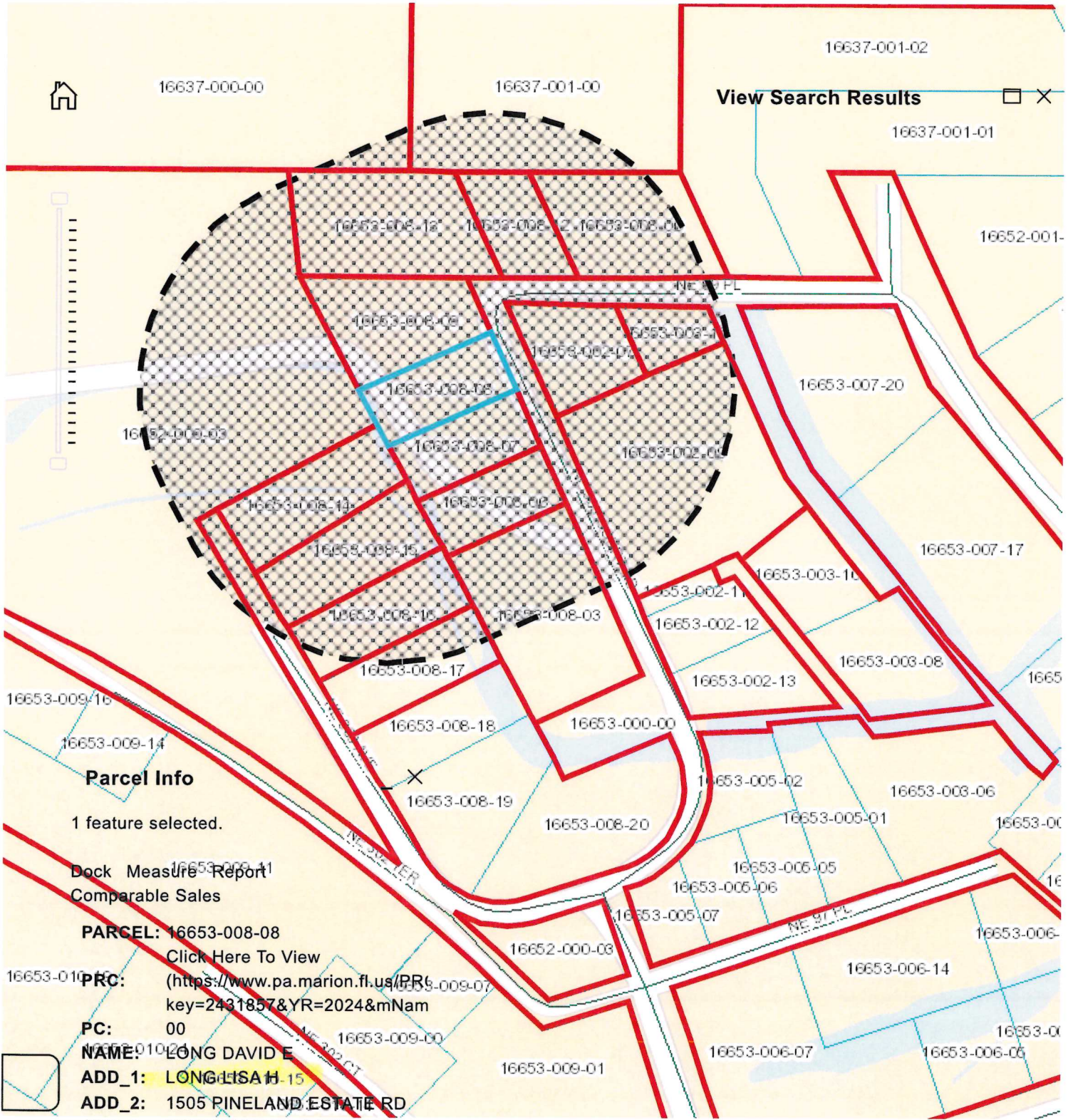
(SEAL)





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

Updated every 24 hrs



Parcel Info

1 feature selected.

[Dock Measure Report](#)
[Comparable Sales](#)

PARCEL: 16653-008-08

[Click Here To View](#)

PRC: <https://www.pa.marion.fl.us/PRC/key=2431857&YR=2024&mName>

PC: 00

NAME: LONG DAVID E

ADD_1: LONG LISA H

ADD_2: 1505 PINELAND ESTATE RD

ADD_3: NASHVILLE GA 31639-6443

ADD_4: 200ft

2024-03-07A

[Click here for Legal Disclaimer](#)

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.

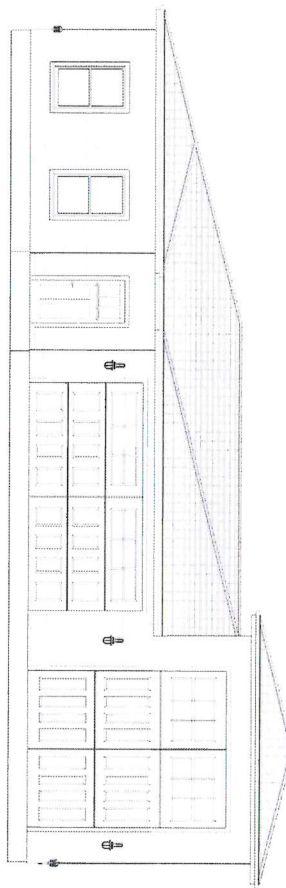


Standing roadside looking west.




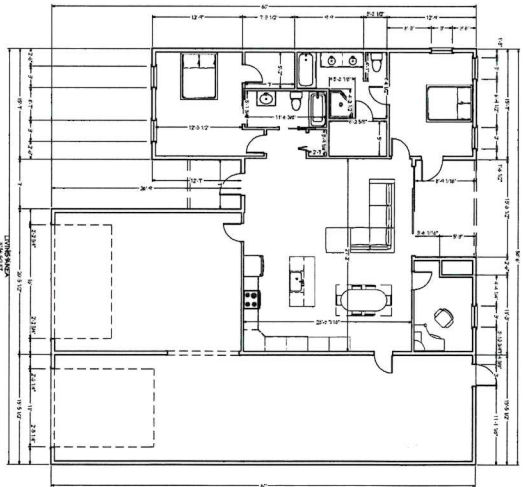
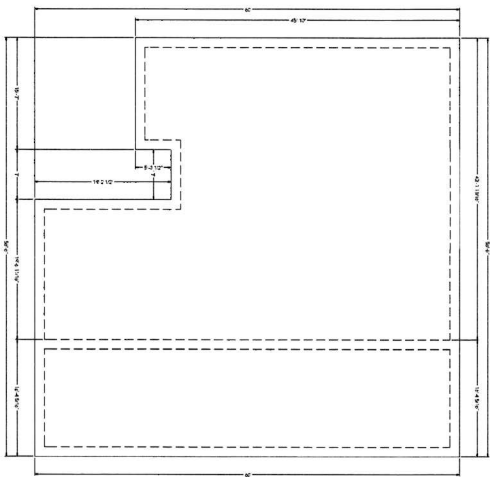
Sign posting.

Attachment I



Camera 1

A-1	SHEET:	SCALE:	DATE:	DRAWINGS PROVIDED BY: Michael Rabon Rabon Engineering LLC	PROJECT DESCRIPTION: Christopher Residence	SHEET TITLE:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: 8px;">NO.</th> <th style="font-size: 8px;">DESCRIPTION</th> <th style="font-size: 8px;">BY</th> <th style="font-size: 8px;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE													
NO.	DESCRIPTION	BY	DATE																					



A-3

SHEET:

SCALE:

DATE:

DRAWINGS PROVIDED BY:

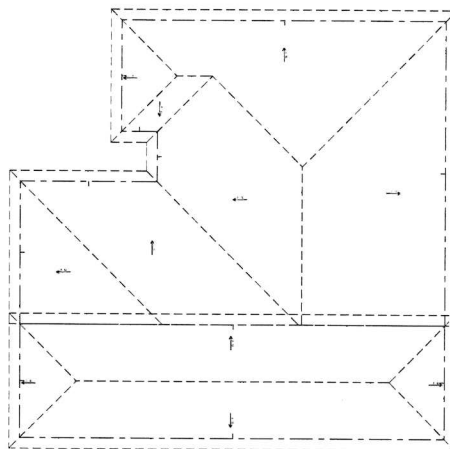
Michael Rabon
Rabon Engineering LLC

PROJECT DESCRIPTION:
Christopher Residence

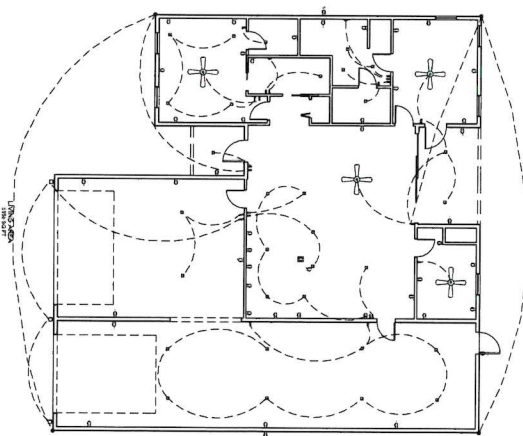
SHEET TITLE:
Foundation and Floor Plan

NO.	DESCRIPTION	BY	DATE





Roof Plan



Electrical Plan

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





Marion County Board of Adjustment

Agenda Item

File No.: 2024-15538

Agenda Date: 7/1/2024

Agenda No.: 4.1.

SUBJECT:
May 6, 2024

DESCRIPTION/BACKGROUND:
Previous BOA Meeting Minutes

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT

May 6, 2024

A public hearing of the Marion County Board of Adjustment was held on May 6, 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 2:10 pm (due to technical difficulties). Members present creating a quorum were: Chairman Donald Barber; Members C. Cadell Hager, Ernest Hemschot, Thomas Phillips, Nathanael Ramos, Douglas Sherwood; and Alternate Jackie Alsobrook. Samuel Hunt attended as an Observer. Staff members present were: Assistant County Attorney Valdoston Shealey, Growth Services Deputy Director Kenneth Weyrauch, Staff Assistant IV Darlene A. Pocock, along with Planner II Kathleen Brugnoli, Zoning Technicians Jeremy Craig and Elizabeth Madeloni.

Thomas Phillips gave the Invocation, followed by Cadell Hager leading the Pledge of Allegiance.

Chairman Barber and Atty. Val Shealey explained the procedures for hearing variance requests and Atty. Shealey 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 **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.

Jeremy Craig presented the case and read the report into the record and noted that the original ESOZ front setback request from 75' to 35' has been updated to reflect a new minimum request from 75' to 62.50'. A corrected survey was given to staff and board members for review.

There were 10 homeowners notified within 300' of the parcel, with and no letters of opposition nor support received.

Edward Abshier, 5614 SE 111th Street, Belleview, FL 34420, Engineer doing the ESOZ plan and agent for the owner, stated that the original site plan used the wrong elevation reading. Mr. Abshier explained that he has a letter from the DEP with the elevation correction and the newly submitted site plan shows the reduced and updated setback. Mr. Abshier reiterated that the adjacent parcel's home is closer to the water than the pool and deck of this project and will not inhibit the neighbors sight line.

PUBLIC COMMENT:

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

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

Ernest Hemschot made a motion to second.

Motion to Approve - Passed 6 to 1 with Thomas Phillips dissenting.

- 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.

Zoning Tech Rachel Kruger was introduced and assisted Liz Madeloni, who, presented the case and read the report into the record.

There were 20 homeowners notified within 300’ of the parcel, with and no letters of opposition nor support received.

Mark Tucker with White Aluminum & Windows, 2101 US Highway 441, Leesburg, FL 34748, agent for the owner, stated he agreed with the staff report and presentation. Mr. Tucker explained that the final inspection was missed, the permit expired and was resubmitted when it was brought to their attention. Mr. Tucker stated that the owner was not in the state during that time due to Covid being in full-swing and was unaware that it was not completed.

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.

Nathanael Ramos made a motion to second.

Motion to Approve - Passed 7 to 0

OTHER BUSINESS:

There are no June BOA cases. Next BOA hearing scheduled for July 1, 2024.

MINUTES:

The **April 1, 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 7 to 0.

ADJOURNED: The meeting adjourned at 2:47 PM.

Donald M. Barber, Chairman

Attest:

Darlene A. Pocock, Staff Assistant IV