



Marion County Board of Adjustment Meeting Agenda

Monday, November 4, 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. [241101V - Barbara and Michael Rowland, Request a Variance, to Reduce the ESOZ Waterfront Setback From 75' to 42' for a Proposed Single-Family Residence, in a Residential Mixed Use \(R-4\) Zone, on Parcel Account Number 11140-005-00, Site Address 21250 NE 150th Street, Salt Springs, FL](#)**
- 3. Other Business**
- 4. Consider the Minutes of Previous Meeting**
 - 4.1. [October 7, 2024](#)**

Adjourn



Marion County Board of Adjustment

Agenda Item

File No.: 2024-16956

Agenda Date: 11/4/2024

Agenda No.: 2.1.

SUBJECT:

241101V - Barbara and Michael Rowland, Request a Variance, to Reduce the ESOZ Waterfront Setback From 75' to 42' for a Proposed Single-Family Residence, in a Residential Mixed Use (R-4) Zone, on Parcel Account Number 11140-005-00, Site Address 21250 NE 150th Street, Salt Springs, FL

DESCRIPTION/BACKGROUND:

This is a request filed by applicant Christopher Milton, for owner Michael and Barbara Rowland, for a variance from Land Development Code (LDC) Section 2.9, a reduction of the waterfront setback from 75ft' to 42' for a proposed Single-Family Residence, in a Residential Mixed Use (R-4) zone in Mixed Residential (R-4) zone.



**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
November 4, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING**

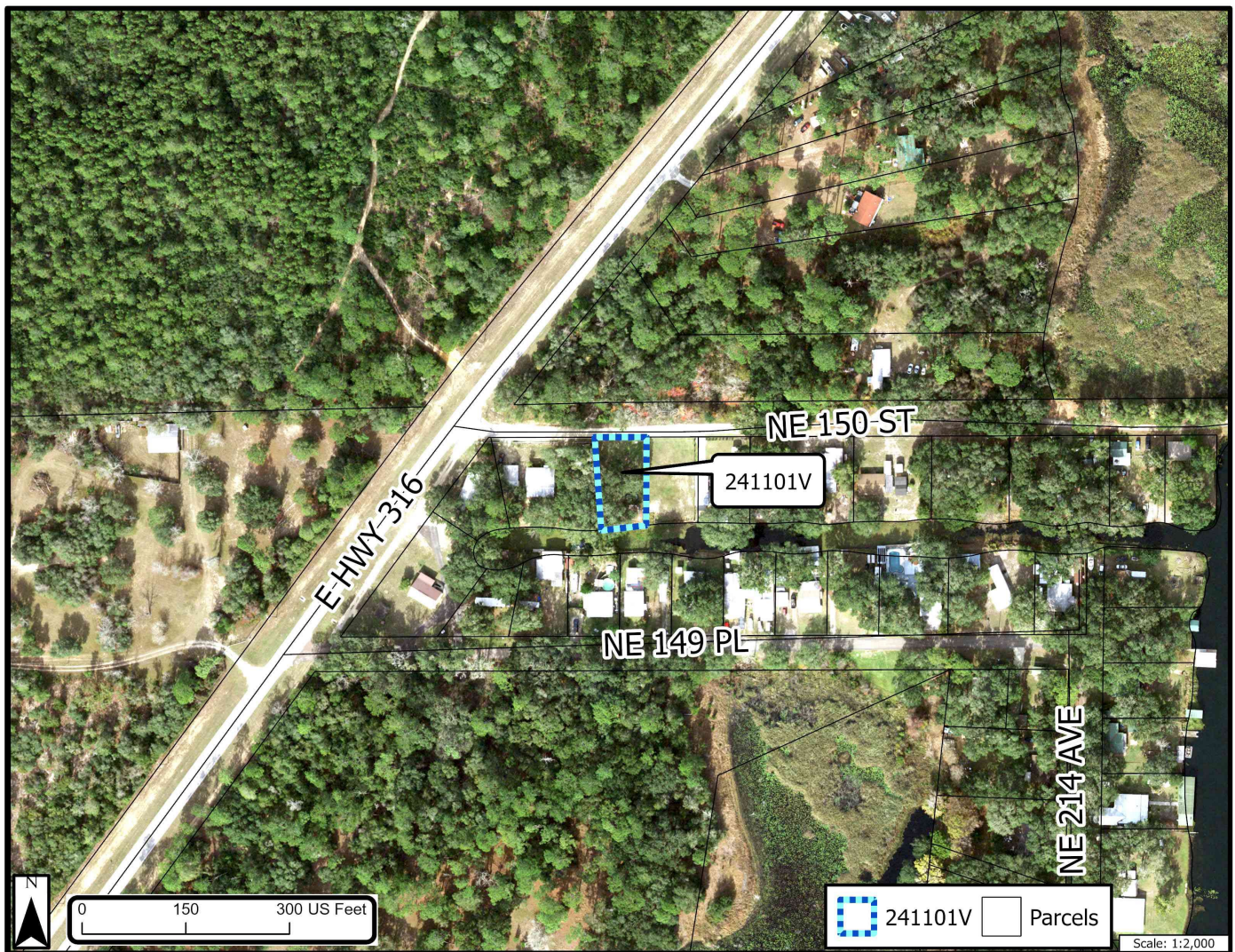
Case Number	241101V
Type of Case	Variance In accordance with Section 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft' to 42' for a proposed Singe Family Residence in a Residential Mixed Use (R-4) zone
AR	31924
Owner	Michael and Barbara Rowland
Applicant	Christopher Milton
Street Address	21250 NE 150 th St., Salt Springs, Florida
Parcel Number	11140-005-00
Property Size	±.23 acres
Future Land Use	Rural Land Use
Zoning Classification	Mixed Residential (R-4)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ), FEMA Designated Flood Zone AE, and Secondary Springs Protection Zone (SSPZ).
Project Planner	Lynda Smith, Zoning Technician I
Permit	2024061441 for a SFR

I. ITEM SUMMARY

This is a request filed by applicant Christopher Milton, for owners Michael and Barbara Rowland, for a variance from Land Development Code (LDC) Section 2.9, a reduction of the waterfront setback from 75ft' to 42' for a proposed Single-Family Residence. Residential Mixed Use (R-4) has setbacks of 25ft from the front and rear property lines and 8ft from the side property lines except in an ESOZ zone in where the front setback is 75ft from the Ordinary High Water Line, 25ft rear property line and 8ft from the side property lines

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 (19) property owners within 300-feet of the subject property on October 18, 2024. A public notice sign was posted on the subject property on October 15, 2024 and notice of the public hearing was published in the Star Banner on October 21, 2024. Evidence of the public notice requirements are on file with the Department and are incorporated herein by reference.



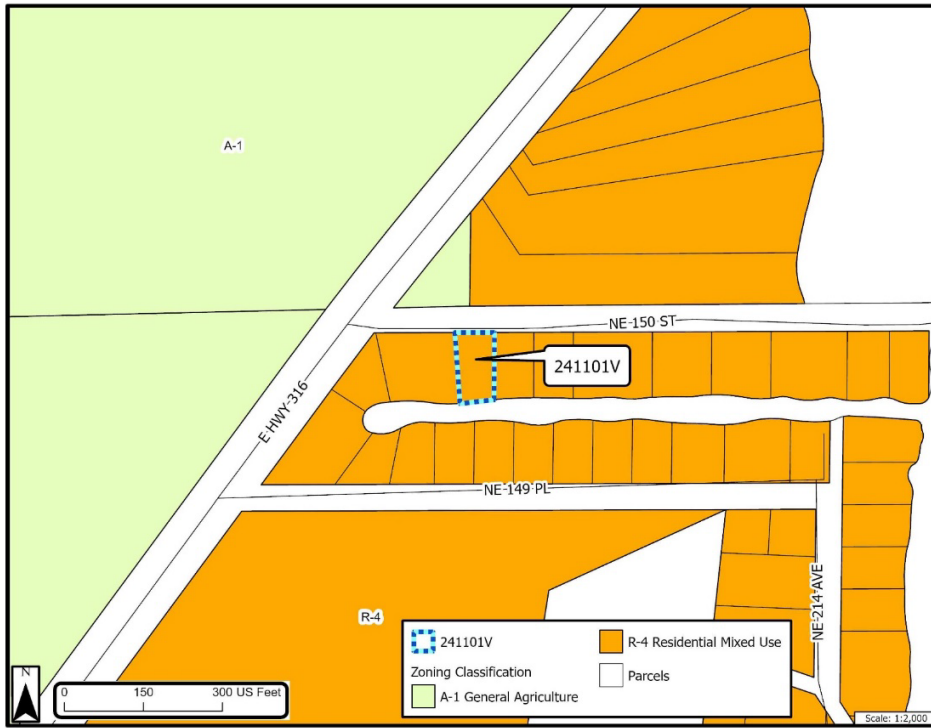
III. PROPERTY CHARACTERISTICS

This parcel is ±.23-acres with Rural land use (RL) and Mixed Residential (R-4) zoning classification. This parcel also lies in an Environmentally Sensitive Overlay Zone (ESOZ), and FEMA Flood Zone "AE".

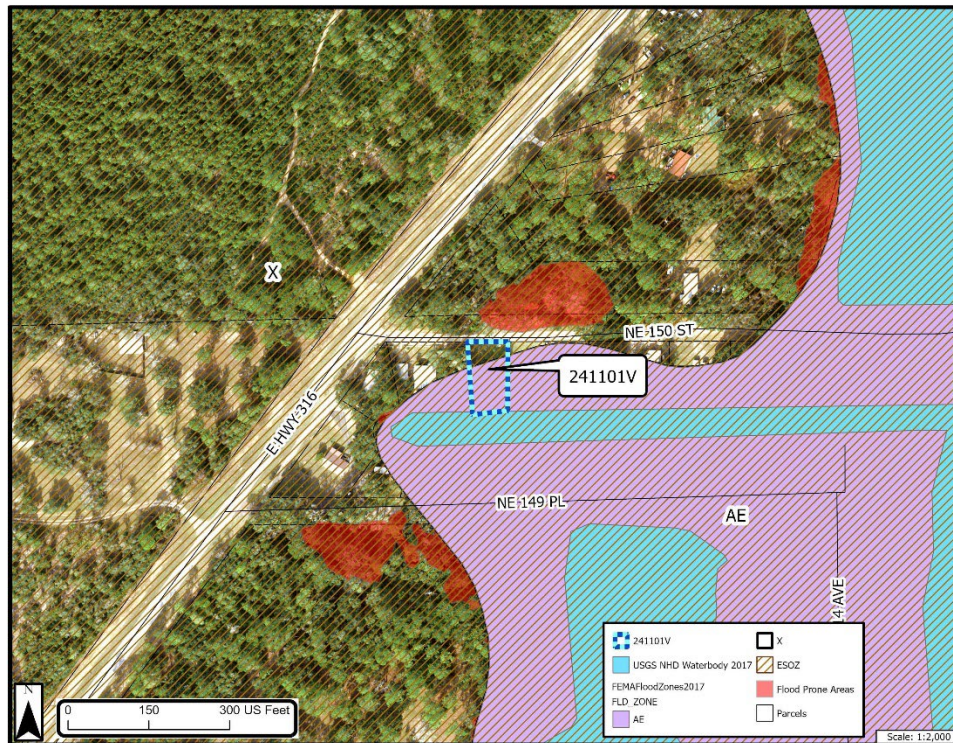
FIGURE 2
AERIAL



**FIGURE 3
ZONING MAP**



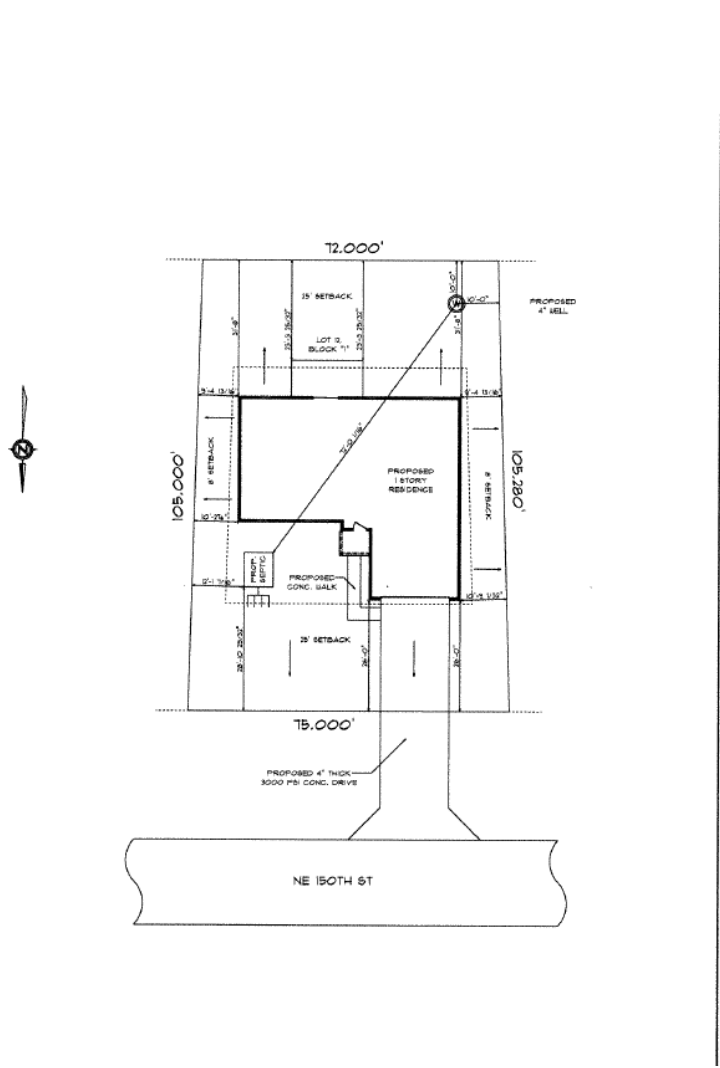
**FIGURE 4
ESOZ AND FLOODPLAIN MAP**



IV. REQUEST STATEMENT

Applicant, Christopher Milton, for owners, Michael and Barbara Rowland, requests a variance in accordance with Section 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft to 42ft for a proposed Single-Family Residence. In a Residential Mixed Use (R-4) zone, residential mixed use (R-4) has setbacks of 25ft from the front and rear property lines and 8ft from the side property lines except in an ESOZ zone in where the front setback is 75ft from the Ordinary High Water Line, 25ft rear property line and 8ft from the side property lines

**FIGURE 6
SURVEY/SITE PLAN**



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: In accordance to Section 2.9 of the Marion County Land Development Code, a reduction of the waterfront setback from 75ft to 42' for a proposed Single Family Residence in a (R-4) zone, Environmentally Sensitive Overlay Zone (ESOZ), Secondary Springs Protection Zone (SSPZ) and FEMA Flood Zone "AE".

Staff: Finds this unrecorded subdivision was created in 1971, prior to the ESOZ and Zoning regulations going into effect. This parcel is currently vacant and owners are wishing to build

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

Analysis: The applicant states due to the dimensions of the lot, a 75ft OHWL setback cannot be met

Staff: The single-family residence is not yet built so the special conditions and circumstances are not a result of the applicant. Most of the lots in this area do/will require a variance to be able to build structures on the surrounding lots/parcels

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 granting this variance would not be irregular to the area or adversely affect other home owners

Staff: Finds that ESOZ and Zoning regulations went into effect in 1992. This single-family residence has not yet been built. Literal interpretations of the provisions of applicable regulations would not deprive the applicant's rights commonly enjoyed by other properties with the same zoning classification and land use.

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

Analysis: The reduction of waterfront setback to 42ft would allow construction of the single-family residence allowing for the rear setback of 25ft and 42ft front setback

Staff: Finds that the single-family residence is not yet built. A reduction of the waterfront setback from 75ft to 42ft is the minimum variance that will allow the use of the land.

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: Owner states that this is true. This request 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.

Staff: Finds that granting of the request will not confer on the applicant special privilege. Many parcels in these areas require ESOZ reductions because these parcels were created prior to the ESOZ regulations going into effect.

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

Analysis: Owner states that this is true. Granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare

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



Marion County Board of County Commissioners Growth Services 2710 E. Silver Springs Blvd. Ocala, FL 34470 Phone: 352-438-2675 Fax: 352-438-2676

APPLICATION COMPLETE DATE COMPLETED 8/22/24 TENTATIVE MEETING DATES 11/04/24

OFFICE USE ONLY Received By: [Signature] Date Received: 8/20/24

VARIANCE APPLICATION

Application #: 241101V FOR COUNTY USE ONLY

11140 - 005 - 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:

Requesting a reduction of the waterfront setback from 75' to 42' for proposed single family residence in ESOZ.

Section of Code requesting variance from: SEC 52.4 - ESOZ DEVELOPMENT STANDARDS

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

Directions to subject property:

US 40 EAST, L ON CR 315, R ON CR 316, R ON NE 150 ST

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] MICHAEL EUGENE ROLLAND (Print/Signature) Property Owner

[Signature] Address BARBARA ROLLAND

5571 Citrus Hill Dr. City, State, Zip Code

POIK City, FL 33528

Contact Info: Phone, cell, e-mail address browland1967@yahoo.com 903 2425033

[Signature] CHRISTOPHER MILTON (Print) Applicant or Agent

2701 SE MARICAMP RD #103 Address

Ocala FL 34471 City, State, Zip Code

352-816-0886 CHRIS E ALMILTON.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: 2024080073 AR. 31924



Marion County
Board of County Commissioners
Growth Services
2710 E. Silver Springs
Blvd. Ocala, FL 34470
Phone: 352-438-2675 Fax:
352-438-2676

OFFICE USE ONLY
Received By: CB
Date Received: 8/20/24

VARIANCE APPLICATION

Application #: 241101V
FOR COUNTY USE ONLY

✓ 11140-005-00
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:

✓ Requesting a reduction of the waterfront setback from 75' to 42' for proposed single family residence

Section of Code requesting variance from: SEC 5.2.4 - ES02 DEVELOPMENT STANDARDS

Legal Description (Please attach a copy of deed). Total Acreage of subject property: 2.23 +/- acres

Directions to subject property:

US 40 EAST, L on CR 315, R on CR 316, R on NE 150 ST

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.

✓ Michael Rowland
(Print/Signature) Property Owner

✓ Barbara Rowland
Address BARBARA ROWLAND

✓ 5571 Citrus Hill Dr.
City, State, Zip Code

✓ POIK City, FL 33808

Contact Info: Phone, cell, e-mail address
Rowland1967@yahoo.com 9032425033

CHRISTOPHER MILTON
(Print) Applicant or Agent

2701 SE MARICAMP RD # 103
Address

OCALA FL 34471
City, State, Zip Code

352-816-0886
CHRIS@CMILTON.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.

Sec. 16-13-25
Kerr's Breezy Shores



Marion County
Board of County Commissioners
Growth Services
2710 E. Silver Springs
Blvd. Ocala, FL 34470
Phone: 352-438-2675 Fax:
352-438-2676

APPLICATION COMPLETE
DATE COMPLETE: 8/22/24
INITIALS: [Signature]
TENTATIVE MEETING DATES:
8/22/24 11/04/24
BGG/P&Z-PH

OFFICE USE ONLY
Received By: [Signature]
Date Received: 8/20/24

VARIANCE APPLICATION

Application #: 241101V
FOR COUNTY USE ONLY

1140 - 005 - 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:

Requesting a reduction of the waterfront setback from 75' to 42' for proposed single family residence in E502.

Section of Code requesting variance from: SEC 5.2.4 - E502 DEVELOPMENT STANDARDS

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

Directions to subject property:

US 40 EAST, L ON CR 315, R ON CR 316, R ON NE 150 ST

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] MICHAEL EUGENE ROWLAND
(Print/Signature) Property Owner

[Signature] Address BARBARA ROWLAND

5571 Citrus Hill Dr.
City, State, Zip Code

POIK City, FL 33808
Contact Info: Phone, cell, e-mail address
Rowland1967@yahoo.com 803 2425033

CHRISTOPHER MILTON
(Print) Applicant or Agent

2701 SE MARICAMP RD # 103
Address

Ocala FL 34471
City, State, Zip Code

352-816-0886
CHRIS@CMILTON.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: 2024080073
AR: 31924

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 A REDUCTION OF
WATERFRONT SETBACK TO 42'
TO CONSTRUCT SINGLE FAMILY
RESIDENCE

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

Applicant's justification:

DUE TO DIMENSIONS OF
THE LOT A 75'
WATERFRONT SETBACK CANNOT
BE OBTAINED

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 OF THIS VARIANCE
WOULD NOT BE IRREGULAR TO
THE AREA OR ADVERSELY AFFECT
OTHER PROPERTY OWNERS

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

Applicant's justification:

THE REDUCTION OF WATERFRONT
SETBACK TO 42' WOULD ALLOW
CONSTRUCTION OF HOME ALLOWING
FOR 25' FRONT SETBACK. 42' IS MINIMUM REQUIRED

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:

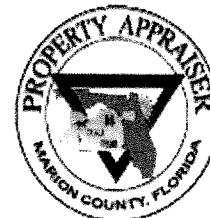
TRUE

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



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

2024 Property Record Card
Real Estate

✓ 11140-005-00

GOOGLE Street View

Prime Key: 205290

Beta MAP IT+

Current as of 8/21/2024

Property Information

✓ ROWLAND MICHAEL EUGENE
 ROWLAND BARBARA
 5571 CITRUS HILL DR
 POLK CITY FL 33868-9588

Taxes / Assessments:

Map ID: 358

Millage: 9001 - UNINCORPORATED

M.S.T.U.

✓ PC: 00

Acres: .23

Situs: Situs: 21250 NE 150TH ST SALT
 SPRINGS

Current Value

Land Just Value	\$22,805		
Buildings	\$0		
Miscellaneous	\$361		
Total Just Value	\$23,166		
Total Assessed Value	\$23,096	Impact	
Exemptions	\$0	<u>Ex Codes:</u>	(\$70)
Total Taxable	\$23,096		
School Taxable	\$23,166		

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2023	\$22,805	\$0	\$361	\$23,166	\$23,096	\$0	\$23,096
2022	\$20,618	\$0	\$378	\$20,996	\$20,996	\$0	\$20,996
2021	\$19,681	\$0	\$403	\$20,084	\$20,084	\$0	\$20,084

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
8076/1815	06/2023	07 WARRANTY	9 UNVERIFIED	Q	V	\$49,500
8076/1813	06/2023	77 AFFIDAVIT	0	U	I	\$100
8076/1812	09/2021	71 DTH CER	0	U	I	\$100
6844/1648	10/2018	07 WARRANTY	9 UNVERIFIED	Q	V	\$20,000
3281/1091	11/2002	05 QUIT CLAIM	0	U	I	\$100
3245/1806	09/2002	31 CERT TL	0	U	I	\$100
2614/1062	11/1998	71 DTH CER	0	U	I	\$100
2458/0772	01/1998	07 WARRANTY	2 V-SALES VERIFICATION	Q	I	\$28,000
2458/0770	01/1998	05 QUIT CLAIM	7 PORTIONUND INT	U	I	\$100

Property Description

✓ SEC 16 TWP 13 RGE 25
 PLAT BOOK UNR PAGE 102
 KERR'S BREEZY SHORES
 BLK 1 LOT 12 BEING MORE FULLY DESC AS FOLLOWS:
 FROM THE MEANDER COR ON N BDY S 89-30-00 W 376.18 FT TO
 S 89-30-00 W 75.0 FT S 04-19-00 E 190 FT TO CENTER LINE OF
 CANAL ELY ALONG CENTER LINE OF CANAL N 00-30-00 W TO POB

✓ Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0010		71.0	140.0	R4	71.00	FF	425.0000	1.00	0.88	1.00	26,554	26,554
Neighborhood 1160 - LAKE KERR CANAL											Total Land - Class \$22,805	
Mkt: 10 70											Total Land - Just \$22,805	

Miscellaneous Improvements

Type	Nbr	Units	Type	Life	Year In	Grade	Length	Width
190 SEPTIC 1-5 BTH	1.00		UT	99	1985	2	0.0	0.0
256 WELL 1-5 BTH	1.00		UT	99	1985	2	0.0	0.0
UDU UTILITY-UNFINS	80.00		SF	40	2000	1	8.0	10.0
							Total Value - \$361	

Appraiser Notes

Planning and Building

** Permit Search **

Permit Number	Date Issued	Date Completed	Description

Cost/Market Summary

Buildings R.C.N.	\$0	5/7/2003				
Total Depreciation	\$0					
Bldg - Just Value	\$0					
Misc - Just Value	\$361	3/11/2011	Bldg Nbr	RCN	Depreciation	Depreciated
Land - Just Value	\$22,805	5/3/2024				
Total Just Value	\$23,166					

Prepared by:
Marie Vazoulas
Atlas Title Agency, LLC
1279 East Silver Springs Boulevard
Ocala, Florida 34470

File Number: 23-2083

General Warranty Deed

Made this June 6, 2023 A.D. By Earl J. Richard, an unremarried widower surviving spouse of Martha Jean Richard, hereinafter called the grantor, to

Michael Eugene Rowland, and Barbara Rowland, husband and wife, whose post office address is:

5571 Citrus Hill Drive, Polk City, FL 33868
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:

FROM THE MEANDER CORNER ON THE NORTH BOUNDARY OF FRACTIONAL SECTION 16, TOWNSHIP 13 SOUTH, RANGE 25 EAST, RUN SOUTH 89 DEGREES 30' WEST ALONG THE SAID NORTH BOUNDARY OF FRACTIONAL SECTION 16, A DISTANCE OF 376.18 FEET, TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING THUS DESCRIBED CONTINUE TO RUN SOUTH 89 DEGREES 30' WEST ALONG THE SAID NORTH BOUNDARY OF FRACTIONAL SECTION 16, A DISTANCE OF 75.0 FEET; THENCE SOUTH 4 DEGREE 19' EAST 190 FEET MORE OR LESS TO THE CENTER LINE OF A CANAL; THENCE EASTERLY ALONG THE CENTER LINE OF A CANAL TO A POINT THAT IS SOUTH 0 DEGREES 30' EAST OF THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 30' WEST TO THE POINT OF BEGINNING.

SUBJECT TO AN EASEMENT 50 FEET WIDE ALONG THE NORTH BOUNDARY HEREOF FOR INGRESS AND EGRESS AND THERE IS AN EASEMENT OF SUFFICIENT WIDTH ALONG THE SOUTH BOUNDARY HEREOF FOR THE OPERATION AND MAINTENANCE OF SAID CANAL.

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

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 11140-005-00

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, 2022.

Prepared by:
Marie Vazoulas
Atlas Title Agency, LLC
1279 East Silver Springs Boulevard
Ocala, Florida 34470

File Number: 23-2083

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:

Cynthia J. Martin
Witness Printed Name Cynthia J. Martin

Earl J. Richard (Seal)
Earl J. Richard

Molly Gilligan
Witness Printed Name Molly Gilligan

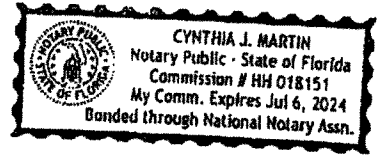
(Seal)

Address 212 S1 NE 149TH PL.
FORT MCLOY FL 32134

State of Florida

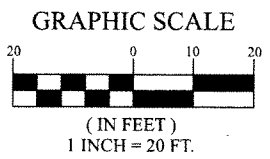
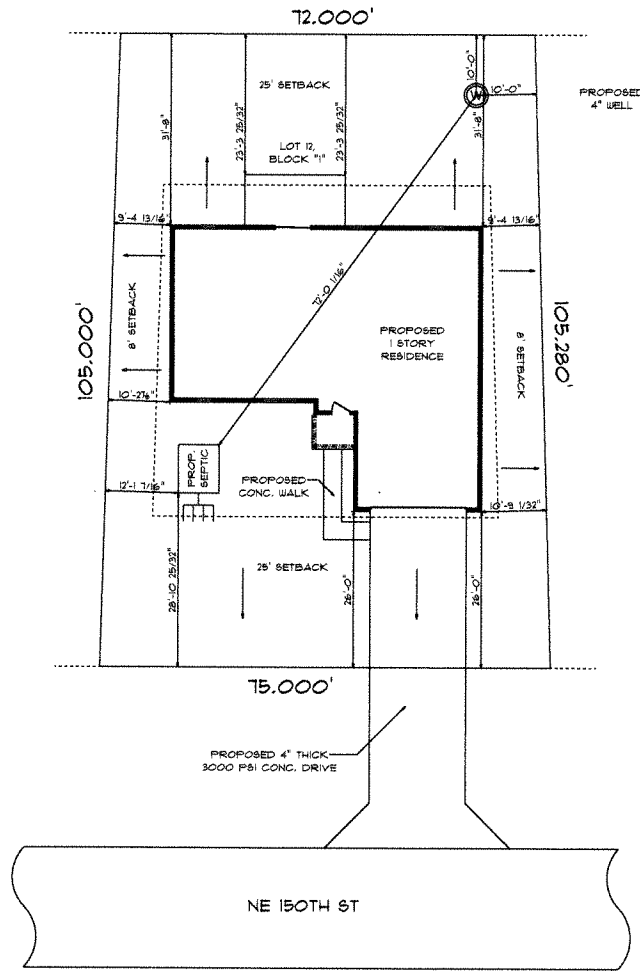
County of Marion

The foregoing instrument was acknowledged before me this 6th day of June, 2023, by means of physical presence or _____ online notarization by Earl J. Richard, an unmarried widower surviving spouse of Martha Jean Richard, who is/are personally known to me or who has produced FLDL as identification.



Cynthia J. Martin
Notary Public
Print Name: _____
My Commission Expires: _____

DEED Individual Warranty Deed With Non-Homestead-Legal on Face



SHEET NO. 1 OF 1	LEGAL DESCRIPTION: LOT 1, BLOCK 12, KERR'S BREEZY SHORES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK UNR, PAGE 102, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA. PID# 11140-005-00	<p>NOTE: PLACEMENT OF ALL ITEMS ON THIS SITE PLAN MUST BE VERIFIED WITH CONTRACTORS FIELD SUPERINTENDENT PRIOR TO COMMENCEMENT</p>	<p>A. L. Milton CONSTRUCTION, INC. 2701 S.E. Maricamp Road #103 Ocala FL 34471 State License CGC- 017001</p>	<p>SITE PLAN FOR: MICHAEL & BARBARA ROWLAND</p>	PROJECT NUMBER: DATE: 2591
	DATE: 6/6/2024				
	SCALE: 1" = 20'				
	DRAFTER: JMM				

MCBCC Interactive Map - Internal



8/21/2024, 12:38:03 PM

- Parcels Labels
- Parcels
- Address Points
- Structure - Addressed
- Vacant with Address
- Marion County
- County Road Maintenance
- OCE Maintained Paved
- Not Maintained
- Streets
- Aerial2023
- Red: Band_1
- Green: Band_2
- Blue: Band_3

Marion County IT GIS Team, Esri, Community Maps
 Contributors: Marion County Property Appraiser, FRP ID
 OpenStreetMap, Microsoft, Esri, TomTom, Garmin
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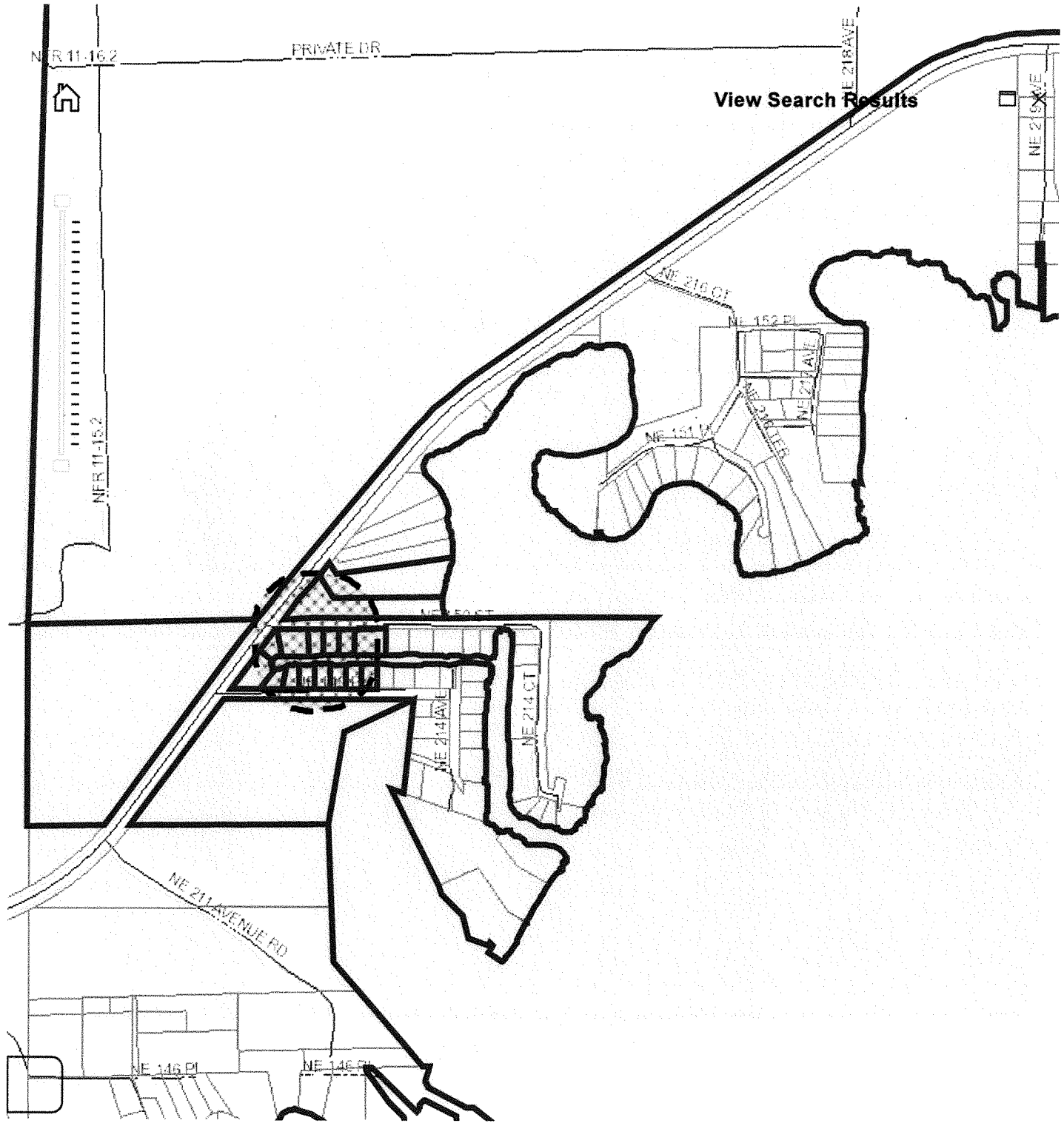
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MCBCC ITGIS



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

Updated every 24 hours



600ft

2024-07-31

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Front (south/canal) of property looking north



Rear (North) of property looking south



East rear corner of property looking west along road

10/01/2010 00:04



East front side corner (canal) of property looking east along water and dock

10/01/2010 00:02



West front side(canal) of property looking east at water and dock



West front side corner (canal) of property looking north



West front side (canal) of property looking north



East front side corner (canal) of property looking north



West rear side corner
(road) of property
looking east



East rear side corner
(road) of property
looking south



Posting of sign in rear (north, road) of property



Marion County Board of Adjustment

Agenda Item

File No.: 2024-16960

Agenda Date: 11/4/2024

Agenda No.: 4.1.

SUBJECT:
October 7, 2024

DESCRIPTION/BACKGROUND:
Previous Board of Adjustment Minutes For Approval

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT October 7, 2024

A public hearing of the Marion County Board of Adjustment was held on October 7th, 2024 at 2:00 pm in the Marion County Growth Services Training Room, 2710 E. Silver Springs Boulevard, Ocala, Florida.

The meeting was called to order at 2:00 pm. Members present creating a quorum were: Chairman Donald Barber, Members Thomas Phillips, Nathanael Ramos, Douglas Sherwood; and Alternate Samuel Hunt. Staff members present were: County Attorney Dana Olesky, Growth Services Director Chuck Varadin, Deputy Director Kenneth Weyrauch, Planner Kathleen Brugnoli, Administrative Assistant Autumn Williams, Staff Assistant IV Kelly Hill, along with Zoning Technicians Jeremy Craig, Christina Franco, Lynda Smith and Cindy Gaugh.

Douglas Sherwood gave the Invocation, followed by Thomas Phillips leading the Pledge of Allegiance.

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

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

- 2.1 **240802V** – Kenneth W. Laughery, requests a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the ESOZ front setback from 75' to 31.5' and reduce the south side setback from 8' to 6.2' for an existing shed, in a Residential Mixed Use (R-4) Zone, on Parcel Account Number 03870-003-18 addressed as 18505 NW 5th Court, Citra, FL 32113.

Lynda Smith presented the case and read the report into the record.

There is an open Code Case, #884298, initiated in 2022 for a prefabricated shed without the applicable building permit. Permit # 2023042378 has been pulled after the fact. The ESOZ and Zoning regulations went into effect in 1992. The shed was placed after these regulations were already in effect. Granting the request will not confer on the applicant special privilege. Many Parcels in these areas require ESOZ reductions because these parcels were created prior to the ESOZ regulations going into effect. 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.

There were 15 homeowners notified within 300' of the parcel, with no letters of opposition nor support received.

The Applicant, Kenneth Laughery, stated there was no other place to set the shed on his property. His neighbor has a similar looking shed, which he believes adds value to the property. He was unaware at the time he purchased the shed that he needed a permit.

PUBLIC COMMENT:

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

Donald Barber 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 subject to the conditions that if anything happens to the shed, another one cannot be placed without procuring another variance.

Samuel Hunt made a motion to second.

Motion to Approve - Passed 3 to 2 with Thomas Phillips and Douglas Sherwood dissenting.

2.2 **240803V** – Gantner Family Trust: Roger D. and Noelene W. Gantner, Trustees, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front setback from 75’ to 27’ for a proposed covered porch addition to an existing deck, in a Single-Family Dwelling (R-1) and Multiple-Family Dwelling (R-3) zone, on Parcel Account Number 49167-004-00 addressed as 13584 S Highway 25, East Lake Weir, FL 32133. **WITHDRAWN**

2.3 **241002V** – Christensen, Kevin, Chelsey, David and Kathryn, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the east side setback from 25’ to 10’ and reduce the rear setback from 25’ to 18’ for a proposed detached garage, in a General Agriculture (A-1) zone, on Parcel Account Number 29693-003-00, addressed as 1027 SE 50th Terrace, Ocala, FL 34471.

Cristina Franco and Jeremy Craig presented the case and read the report into the record.

The Applicant requests placement on the rear of the property because placement in the front would cause major blocking of the neighbor’s views and current residence. Due to low area on NW corner of the property, this would prevent placement on that area. Storm water department has been to the location to develop a water retention plan. The Applicant has received board approval (AR 31536), pending a final inspection for stormwater/retention plan for the proposed structure. The septic being on the E side of the residence would prevent access into the garage if 10’ E setback is not granted. The building needs to be off of the NE corner due to the angle of the approach to allow access into the garage.

There were 14 homeowners notified within 300' of the parcel, with and no letters of opposition nor support received.

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.

Nathanael Ramos 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.

Thomas Phillips made a motion to second.

Motion to Approve - Passed 5 to 0.

OTHER BUSINESS:

Next BOA hearing scheduled for November 4, 2024.

MINUTES:

The **September 9, 2024** Board of Adjustment Minutes were moved for Approval upon a motion by Donald Barber with a second by Thomas Phillips.

Motion for Approval - Passed 5 to 0.

ADJOURNED: The meeting adjourned at 3:10 PM.

Donald M. Barber, Chairman

Attest:

Kelly Hill, Staff Assistant IV