

April 18, 2024

Re: Compass Lake in the Hills Parcel Number 02-2N-11-0083-10AE-0630 a.k.a
664 Fairview Rd. Owner(s): Heather Cloud and Jeff Cloud, Husband.

To the Jackson County Planning Commission and the Board of County Commissioners:

We are requesting a variance to place a new manufactured home at our property located at 664 Fairview Rd in the Compass Lake in the Hills Subdivision. We own 3 lots but are only requesting a variance for our center lot as noted in the attached visual aid.

Jackson County is in a housing crisis. There are very little affordable homes to buy, and there are nearly no affordable homes to rent. The average Jackson County worker cannot afford or qualify for a \$250,000 and up mortgage based on local wages just for a normal and non-extravagant home.

My wife and I sold a home and purchased our lots with intent to build, but the Covid 19 pandemic and more recent hyper inflation under the current federal government regime has made an affordable cost into an un-affordable cost. We can purchase a 1300-1400 s.f. manufactured home built to local wind zone standards for approximately \$135,000 and the same home at current building rates would cost \$260K or more. The length of time it takes to build a home will undoubtedly create unknown additional costs due to price increases, and contractor increases. Any unforeseen or excessive expense could drastically delay or stall a new home, or stop the build entirely.

Since Hurricane Michael, there has also been a rash of dishonest contractors taking local persons' money and not delivering on what they were contracted to do. Heather Cloud files bankruptcies with a local law firm and there have been numerous contractors who have taken money and not delivered product or service. Case in Point, the new Yamato Restaurant Location across from Winn Dixie sits with a barely started building. They were defrauded out of a very large amount of money by a local contractor.

My Wife and I are 50+ years old. It is not in our best interests to pay a mortgage until we are 80-83 years old. The interest rate increases alone have nearly doubled a standard mortgage. We have sufficient funds within our budget to pay for a manufactured home without contracting into a long-term mortgage.

I, (Jeff Cloud) have owned and operated a business in Jackson County for over 20 years and even as a business owner, the current cost of everything related to building a home is very difficult to endure. I currently have two full time employees that have been with me 10+ years and I struggle to keep their pay in line with the cost of living increases we are all experiencing. The current financial issues exist for every person in this county and this country.

Additionally, we make this request because we are having a hardship due to water intrusion and mold at our current residence. The mold is making us have health problems and has been difficult (and costly) to discover and eliminate. Mold Toxicity is a very dangerous health hazard. The time and expense it will take to try to build a home is excessive, risky, and does not fit our current needs. Our current living conditions are undesirable, and we need a more rapid solution. A manufactured home will meet our needs much more quickly and more affordable than a new home build.

At this time, there exists a manufactured home that was granted a variance and placed at 648 Fairview Rd, which is one lot separation from our lots. There should be no issue with placing another since this manufactured home has already been granted a variance.

By NOT allowing us the variance to do as we wish, Jackson County would be actively participating in discrimination against Us, since one has already been allowed. There are at least 100 visible vacant lots viewable around our lots on the property appraiser's map, so another manufactured home placed almost beside the one already placed will have little to no impact to any existing property owners.

Aside from the reasons mentioned before, we believe a constitutional violation of rights exists in the administration of your ordinance. Your own county attorney, Michelle Jordan, has pointed out that this ordinance will not stand once challenged in a court of law. She pointed out that our neighboring county, Bay County, has already lost the issue.

We believe this ordinance violates the Takings Clause of the 5th Amendment of the U.S. Constitution. Property cannot be 'taken' without just compensation. This includes diminishing the value of the property, restricting the use of the property by placing restrictions as to what size or type of home a natural person can build on their property, whether they can earn a living on their property or any restriction whatsoever. This is a form of 'taking' and we have not been compensated for the restrictions on our lots. A recent Supreme Court decision withheld these facts. **See Knick vs. Township of Scott, PA. (2019)** The owner's property was not physically taken, but their township tried to force a specific use or ordinance for use of the property, with public access, and it was found to be unlawful or unconstitutional. **After the Knick vs. Township of Scott Ruling, it is now possible for any property owner to go straight to the Supreme Court and petition for remedy and not have to utilize local or state courts first.** This creates a much easier claim regarding the current Compass Lake in the Hills ordinance.

There is a small group of homeowners in the Compass Lake Development who mistakenly believe that they have purchased property in a 'Homeowner's Association' that has legal and lawful standing to dictate how other owners use their property. They are mistaken. **These homeowners failed to do their own due diligence, and see that there is no standing contract requiring any performance of any property owner to their 'standards'**. Contract law is very clear. Without a valid executed contract, no person can be compelled to perform. There is not a Covenant, Conditions or Restrictions Contract that every property owner signed at purchase of their property. There is only a County Ordinance, and not actual deed restrictions. The original developer failed to establish the proper deed restrictions. Jackson County created the ordinance and it is within Jackson County's rights to change the ordinance or at minimum grant the requested variances.

Compass Lake in the Hills is a failed subdivision. 5%-6% total occupancy in over 50 years is not and cannot in any way be construed as 'successful'. Current homeowners there have no right to hold hostage the remaining portion of the 6500 lots and prevent others from having affordable housing. We do not live in the same world we lived in prior to 2020. NO persons' property value is suffering. Even manufactured homes are selling at historically high prices. Compass lake in the Hills is the largest conglomeration of smaller 1+ acre lots available in Jackson County. Other property for sale in county is almost always large acreage at a much higher price. Any small lots without restrictions sell much quicker and at about double the price of Compass lake lots. **The county is losing large sums of money via property taxes by obstructing manufactured homes in Compass lake. More occupancy = more tax revenue. More Tax revenue= more funds to maintain roads around Compass Lake.** Double wide Manufactured homes bonded to land are taxed as real property. They are not at all cost effective to be 'mobile' due to the cost associated with moving them.

If an HOA existed, Any person could willingly sign away a given right by signing a Contract with the HOA, but County Ordinances cannot violate Constitutional Rights. Each Commissioner took an Oath to uphold the Law of the Land, the Constitution for the United States. By interfering with property owners' rights, The Jackson County Commission at minimum are in violation of their Oaths of Office. We expect them to honor their oaths.

The Constitution is Law. It is not 'colorable law'. Property owner's rights are fundamental. When this country was founded, the very first thing residents did is stake their claim to a piece of land. Natural persons have God Given rights to **Life, Liberty, and the Pursuit of Happiness.** We believe the ordinance to be in violation of those God Given rights. All fundamental rights begin with property ownership on which to build one's life in whatever way one sees fit.

I, (Jeff Cloud) recently participated in a workshop seeking compromise on the ordinances at Compass Lake. Commissioner Branch very quickly told me that he wasn't the "slightest bit worried about any lawsuits because the County is sued all of the time". I quickly responded that I was sure he was not, because his money wasn't at stake. Taxpayer money was at stake. I take some offense to that as we are already overly taxed without any true representation and reckless spending of un-accountable local, state or federal officials is very offensive to most any person.

We have no desire to cost taxpayers or ourselves more un-necessary monies to litigate an ordinance that is very clearly un-constitutional, outdated, and discriminatory by current standards. We know what a home will cost us right now, and any time we lose having to wait an excessive time for litigation will create excessive costs due to the rapidly rising inflation. We will have no choice but to seek remedy for the difference in cost between now, and then. Every day that passes creates more cost for us.

In Closing, we only desire our God-Given un-alienable property owners' rights to live our lives as we see fit. We have no desire to harm anyone. We have enough discipline and self-respect and respect for others that we will not live in a home that is unpleasant or aesthetically displeasing to those that see it.

I am attaching some visual aids for your consideration at the end of this document.

Please make a prompt, fair and lawful decision in this matter. We have limited time to take action due to the decline in the dollar and runaway inflation. We need to establish a permanent home asap and would prefer to not be forced to leave Jackson County as it has been our home for many, many years.

Sincerely,

Jeffrey Cloud

Heather Cloud

Cell: 850-557-5612

850-693-8448

Jeffcloud@earthlink.net or Heathercloud2018@yahoo.com