



**Marion County
Board of County Commissioners**

Growth Services

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2600
Fax: 352-438-2601

**PLANNING & ZONING SECTION
STAFF REPORT**

P&Z Date: 4/27/2026	BCC Date: 6/2/2026
Case Number	260501SU
EPL Number	PL SUP-000298-2026
Type of Case	Special Use Permit for an accessory structure without a primary residence
Owner	Ward-Merrill, L.L.C
Applicant	N/A
Street Address/Site Location	No Address Assigned
Parcel Number(s)	4938-001-001
Property Size	±1.64 AC
Future Land Use	Rural Land (RL)
Existing Zoning Classification	Single Family Dwelling (R-1)
Overlays Zones/Special Areas	Lake Weir Environmentally Sensitive Overlay Zone (ESOZ) & Secondary Springs Protection Zone (SSPZ)
Staff Recommendation	APPROVAL WITH CONDITIONS
P&Z Recommendation	APPROVAL WITH CONDITIONS (CONSENT)
Project Planner	Jared Rivera-Cayetano
Related Cases	Permit No. BLDR-25-11-00771 – One-story detached garage

I. ITEM SUMMARY

Adam Merrill, on behalf of Ward-Merrill, L.L.C, filed a Special Use Permit (SUP) application for a ±1.64-acre property in Weirsdale, FL with a zoning classification of Single Family Dwelling (R-1). The Parcel Identification Numbers for the subject property is 4938-001-001; the site has not been assigned an address. Located within the Stanton Beach subdivision, the legal descriptions are provided within the SUP application (see Attachment A). The site is located outside the Urban Growth Boundary (UGB), within the Secondary Springs Protection Zone (SSPZ), and within the Lake Weir Environmentally Sensitive Overlay Zone (ESOZ). The intention of this Special Use Permit request is to allow an accessory structure without a primary structure. The Special Use Permit request is in response to Permit No. BLDR-25-11-00771. A single-family residence located on PID 4938-001-000, located to the north of the subject property and across a public right-of-way (ROW), is under common management/ownership and serves as a vacation home. Specifically, Ward-Merrill, L.L.C is under the ownership of Charles Raymond Merrill and Adam Merrill, while the existing residence in PID 4938-001-000 to the north is under the ownership of Charles Raymond Merrill (Family Trust; see Attachment A).

Figure 2 (and Attachment A) provides a site plan for the requested use. The submitted site plan specifically indicates a one-story detached garage structure, approximately 1,890 square feet in size, along the northwest corner of the subject property. A single driveway within the subject property is provided along SE 155th Place.

II. STAFF SUMMARY RECOMMENDATION

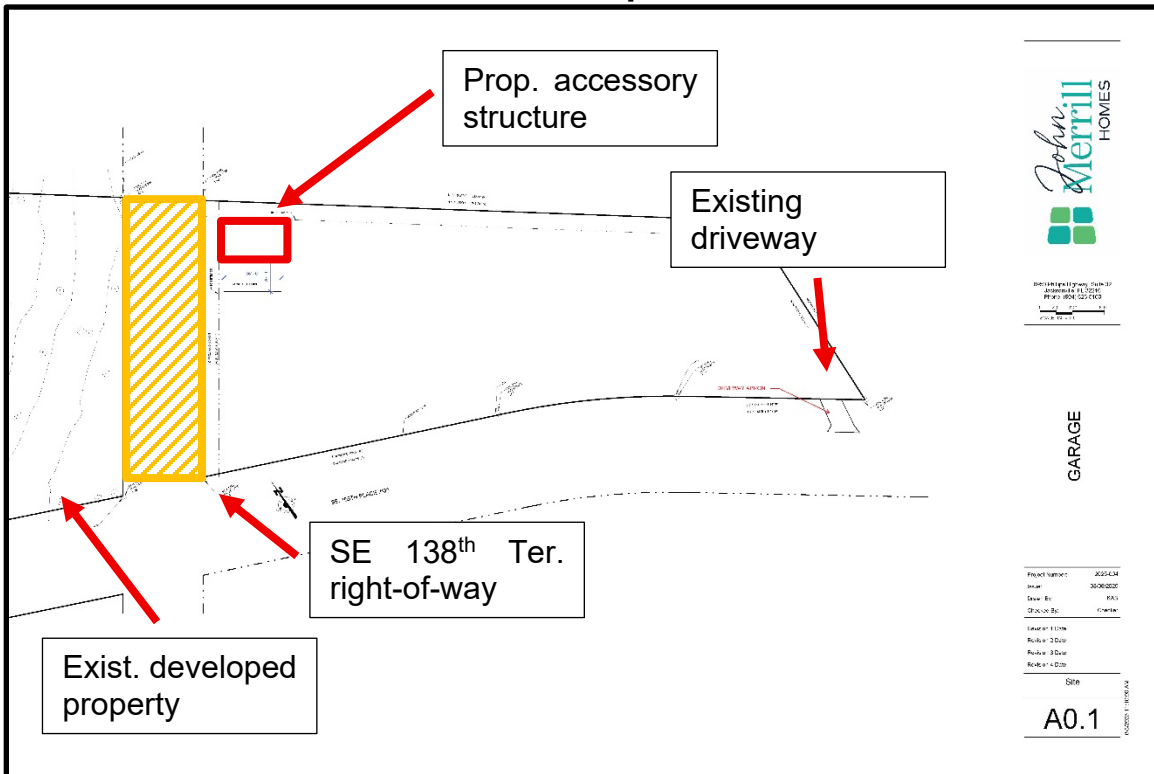
Staff recommends **APPROVAL WITH CONDITIONS**. LDC Section 4.2.6 requires that accessory structures be located in the rear or side yards, which ordinarily necessitates a primary structure prior to any accessory structure. That said, a request for an accessory structure without a primary structure would not result in increased density or intensity (i.e. residential dwelling units) than otherwise allowed within a RL-designated property. The proposed detached garage structure is functionally-related to an existing residence and has been located in such a way to accommodate a future on-site residential unit.

Staff therefore finds the proposed use is consistent with the Marion County Comprehensive Plan, compatible with the surrounding area, and will not adversely affect the public interest. The conditions in Section VII of this report are recommended to address compliance with the requirements in the Marion County Land Development Code (LDC) Sections 2.8.2.D and 2.8.3.B.

Figure 1
General Location Map



Figure 2
Concept Plan



III. NOTICE OF PUBLIC HEARING

The Growth Services Director has interpreted the requirements of Land Development Code (LDC) Sections 2.7.3.C, 2.7.3.B and 2.7.3.E to apply to SUP applications. Consistent with LDC Section 2.7.3.B., notice of public hearing was mailed to all property owners (14 owners) within 300 feet of the subject property on April 10, 2026. Consistent with LDC Section 2.7.3.B., public notice was posted on the subject property on April 14, 2026, and consistent with LDC Section 2.7.3.E., public notices were published through the Marion County website on April 13, 2026 for the Planning and Zoning Commission. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

IV. BACKGROUND/CHARACTER OF AREA

A. *Existing Site Conditions.*

Figure 1, above, is a general location aerial displaying existing and surrounding site conditions. Figure 3 displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

In general, properties within the existing Stanton Beach subdivision and other nearby subdivisions are predominantly related to residential uses. Staff notes several large vacant properties characterized as agricultural production and select institutional properties related to the nearby Kiwanis Beach at Albright Park, maintained by Marion County, and Lake Weir, owned by the State of Florida.

Staff conducted a site visit with on April 7, 2026. An additional site visit was conducted on April 14, 2026. Staff found that the subject property contains a single unpaved driveway along SE 155th Place. PID 4938-001-000 to the west of the subject property, currently under common management, contains an existing single-family residence and several accessory structures. The subject property itself contains significant vegetation along the eastern and southern boundaries. A chain-link fence (not owned by the subject property owner) delineates the northern subject property boundaries, which is directly adjacent to a property (PID 49351-000-00) with an existing single-family residence (and associated accessory structures).

B. *Zoning Classification.*

Figure 4 displays the existing zoning classifications for the subject property in relation to the existing zoning classifications of the surrounding properties.

In general, most properties within the Stanton Beach and other nearby subdivisions are residentially zoned. Staff notes select properties with agricultural and commercial zoning classifications—which either currently allow (or had

previously allowed and are thus considered legal non-conforming uses) single-family residences.

The nearby Kiwanis Beach at Albright Park to the north is zoned for government use.

C. *FLUM Designation.*

Figure 5 displays the existing Future Land Use (FLU) designation for the subject property in relation to the existing FLU designation of the surrounding properties. In general, properties—with the exception of nearby Kiwanis Beach at Albright Park to the north designated as Public (P)—are designated as Rural Land (RL).

The subject property is outside the Urban Growth Boundary (UGB), within the Secondary Springs Protection Overlay Zone (SSPOZ), and within the Lake Weir Environmentally Sensitive Overlay Zone (ESOZ), as established by the Marion County Comprehensive Plan.

Table 1, below, assembles the information in Figures 3, 4, and 5 in tabular form. Site photos are attached to this report (see Attachment C).

TABLE 1. ADJACENT PROPERTY CHARACTERISTICS			
Direction	FLUM Designation	Zoning Classification	MCPA Existing Use
Subject Property	Rural Land (RL)	Single-Family Dwelling (R-1)	Vacant Residential
North	Rural Land (RL)	Single-Family Dwelling (R-1)	Single Family Residential
South	Right-of-Way & Rural Land (RL)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Single Family Residential
East	Rural Land (RL)	Single-Family Dwelling (R-1)	Single Family Residential
West	Right-of-Way & Rural Land (RL)	Right-of-Way & Single-Family Dwelling (R-1)	Right-of-Way & Single Family Residential

Figure 3
Existing Use per Property Appraiser Property Code

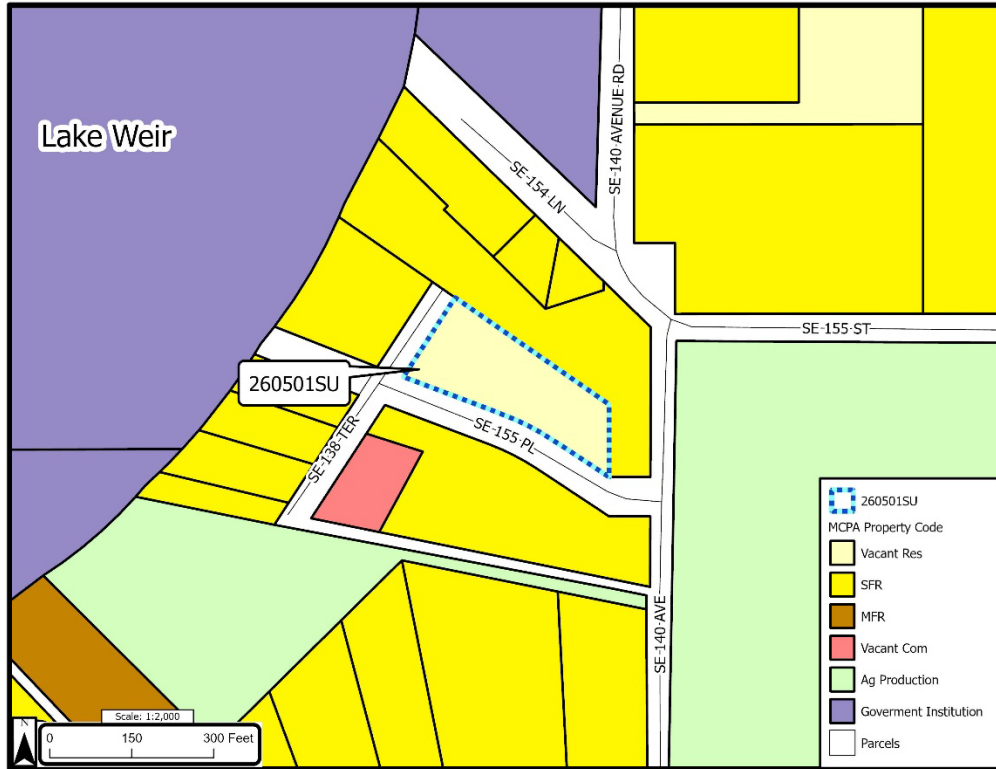
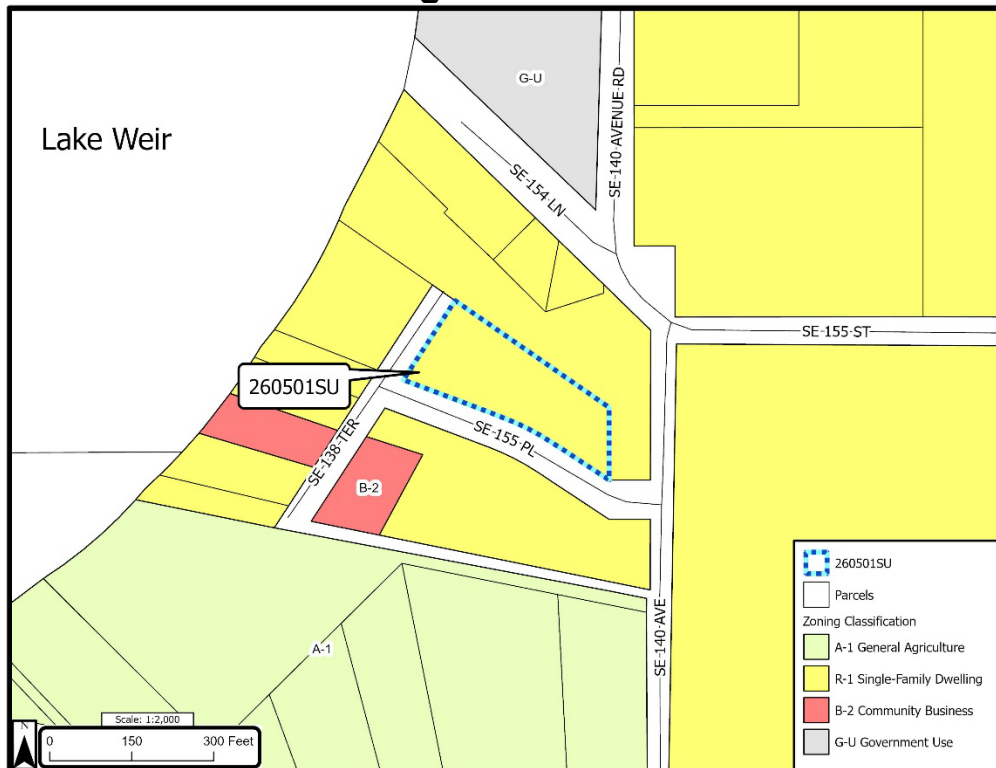
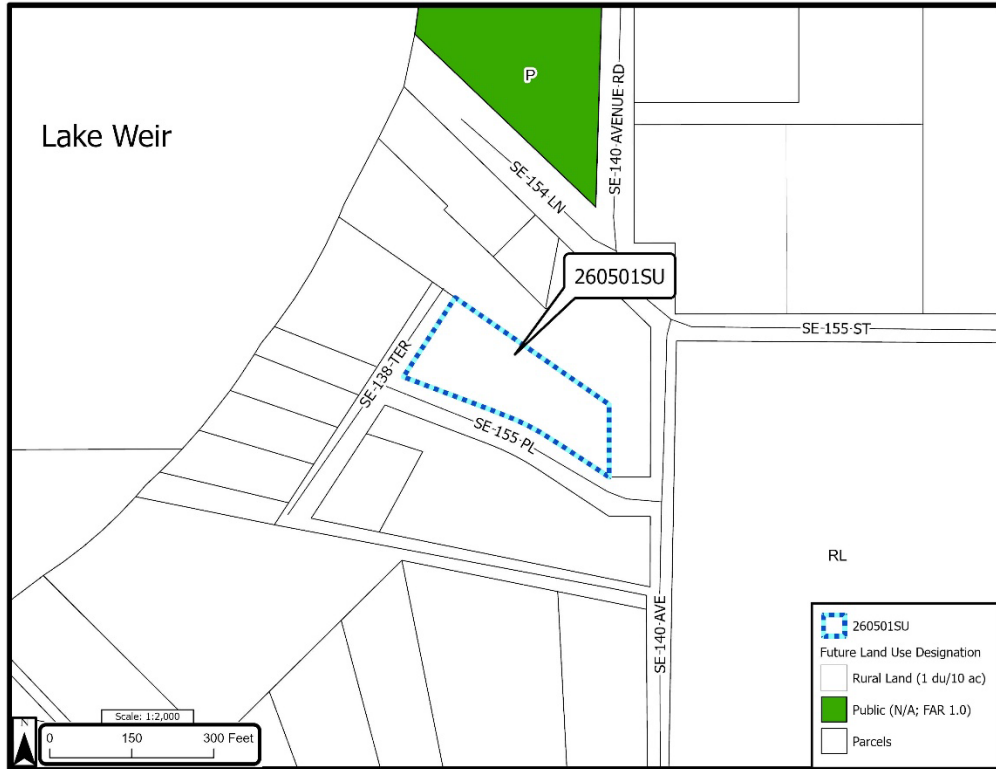


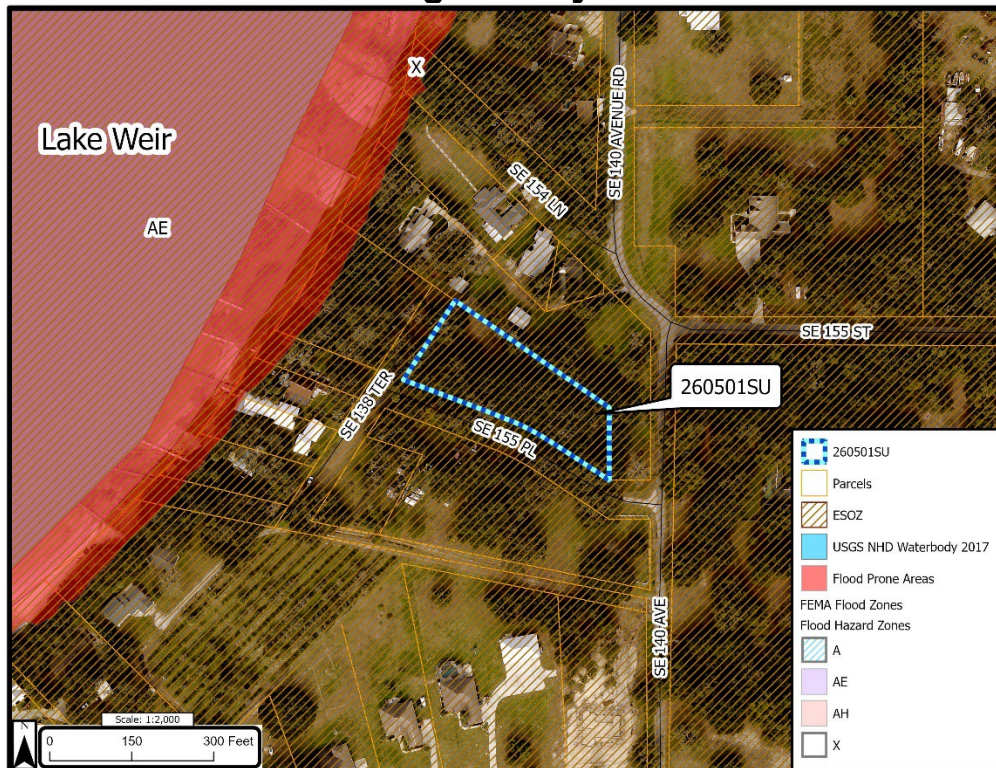
Figure 4
Zoning Classification



**Figure 5
FLUMS Designation**



**Figure 5
Existing Overlay Zones**



V. ANALYSIS

LDC Section 2.8.2.D provides that in making a recommendation to the Board, the Commission shall make a written finding that granting the SUP will address nine specific requirements. LDC Section 2.8.3.B requires consistency with the Comprehensive Plan. Staff's analysis of compliance with these ten (10) requirements are addressed below.

- A. *Provision for **ingress and egress** to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

Analysis: The subject property (and PID 4938-001-000 to the north) currently have access from one (1) driveway along SE 155th Place, an unpaved subdivision road. Given that the proposed accessory structure is intended to be used for personal use only—with limited additional trips, if at all, expected to be generated—the Office of the County Engineer (OCE) does not have traffic concerns with this Special Use Permit (SUP) request.

Staff therefore finds the application **is consistent** with provisions for ingress and egress.

- B. *Provision for **off-street parking and loading areas**, where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the SUP on adjoining properties and properties generally in the surrounding area.*

Analysis: The submitted SUP site plan currently indicates a concrete drive approximately twenty (20) feet in width and thirty-six (36) feet in length. Given that the proposed structure is not intended to be a dwelling unit that would result in additional parking demand and is instead intended to be accessory to any existing residence, Staff finds that the application **is consistent** with LDC provisions for off-street parking and loading.

- C. *Provisions for **refuse and service area**, with particular reference to the items in (1) and (2) above.*

Analysis: The applicant indicates waste will be handled through a garbage bin to be located adjacent to the proposed garage service door (i.e. inside proposed structure).

Staff therefore concludes that the application **is consistent** with LDC provisions for refuse and service areas.

- D. *Provision for **utilities**, with reference to locations, availability, and compatibility.*

Analysis: The subject property would be served by Duke Energy for electricity. Any electrical work will need to meet applicable County and State standards at the time of permitting.

The applicant indicates the proposed accessory structure will not require potable water or wastewater service. Staff therefore concludes that the application **is consistent** with LDC provisions for utilities, provided that the following condition(s) are met:

- *No well or septic permits shall be authorized for the subject property unless or until a primary residence is established.*

E. Provision for **screening and buffering of dissimilar uses and of adjacent properties where necessary.**

Analysis: Staff notes the subject property itself is heavily vegetated along the eastern and southern boundaries—a vegetative buffer approximately twenty-five (25) feet in width that would adequately screen the proposed accessory structure along SE 155th Place. Furthermore, Staff notes that the submitted site plan indicates the detached garage structure to be located more than eight (8) feet from all property boundaries, thus meeting R-1 zoning standards.

Staff therefore finds the application **is consistent** with provisions for screening and buffering, provided that the following condition(s)—consistent with LDC provisions that otherwise exempt single-family residences or duplexes from tree removal and buffering standards—are met:

- *A vegetative buffer along the eastern and southern subject property boundaries, approximately twenty-five (25) feet in width, shall be maintained, unless and until the construction of a single-family residence.*

F. Provision for **signs, if any, and **exterior lighting** with consideration given to glare, traffic safety, economic effects, and compatibility and harmony with properties in the surrounding area.**

Analysis: No signage currently exists immediately along County rights-of-way, nor is one proposed. Staff therefore concludes that the application is consistent with LDC provisions for signage.

The applicant indicates that decorative exterior coach lights, which are typical in residential properties and generally less intense compared to flood lights, will be installed. Furthermore, Staff notes significant vegetation exists along the southern and eastern subject property boundaries. Staff therefore concludes that the application **is consistent** with LDC provisions for signs and exterior lighting, provided the following condition(s) to reduce outdoor lighting impacts on the surrounding residential properties, provided that the following condition(s) are met:

- *Outdoor ground and building lighting shall not cast direct light on adjacent properties.*

G. Provision for *required yards and other green space.*

Analysis: As a standalone parcel eligible to construct one (1) primary single-family residence, Staff notes the property boundary along SE 155th Place would be considered the “front” of the subject property upon development. Any residential unit would thus need to meet a 25-foot front setback, an eight-foot side setback, a 25-foot rear setback, and a fifteen-foot side-street setback. Pursuant to LDC Section 4.2.6, accessory structures must be located in the rear or side yards, subject to an eight-foot rear or side setback.

The submitted site plan indicates a detached garage structure that meets ten-foot setbacks from all property lines along the northwestern corner of the subject property. Therefore, the proposed structure would be located within the rear or side yards of a potential single-family residence within the subject property and would meet R-1 side and rear setback requirements.

Staff therefore concludes that the application **is consistent** with LDC provisions for required yard and other green space, provided the following condition(s) are met:

- *Eight (8) foot setbacks from all subject property boundaries shall be observed for the siting of any accessory structure.*

H. Provision for general *compatibility* with adjacent properties and other property in the surrounding area.

Analysis: "Compatibility" is defined in Chapter 163.3164(9) of the Florida Statutes, under the Community Planning Act, as "a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition." Figure 1 above provides a general location aerial displaying existing and surrounding site conditions. Figure 3 above displays the subject and surrounding properties' existing uses as established by the Marion County Property Appraiser Office's Property Code (PC).

In general, properties within the existing Stanton Beach subdivision and other nearby subdivisions are predominantly related to residential uses, with only select properties characterized by non-residential uses.

The proposed accessory structure is functionally related to an existing single-family residence. Staff notes that the subject property is under the ownership of Raymond C. Merrill and Adam Merrill (under Ward-Merrill, L.L.C.), while the existing residence in PID 4938-001-000 to the north is under the ownership of Raymond C. Merrill (Family Trust; see Attachment A).

That said, Staff acknowledges the potential for outdoor storage of personal goods and material on a property containing only an accessory storage structure, which may introduce visual clutter to the surrounding residential area and may attract potential commercial uses (i.e. warehouse with outdoor storage) if the property is otherwise transferred to owners unaware of applicable limitations. Staff therefore finds the application **is consistent** with provisions for compatibility, provided that the following staff condition(s) are met:

- *The Special Use Permit shall be contingent upon the ownership of the subject property, which shall remain under the ownership of Ward-Merrill, L.L.C and Charles Raymond Merrill. The Special Use Permit shall also be contingent upon the ownership of PID 4938-001-000, across the SE 138th Terrace right-of-way to the west of the subject property, which shall remain under ownership of Merrill C Raymond Family Trust and Charles Raymond Merrill. Should either property change in ownership/management, the accessory structure shall be removed from the subject property, unless a new Special Use Permit application is submitted for consideration.*
 - *The Special Use Permit shall terminate upon the construction of a single-family residence within the subject property.*
- *The storage of all personal goods and material shall be maintained within the proposed accessory structure.*

*I. Provision for meeting any **special requirements** required by the site analysis for the particular use involved.*

Analysis: LDC Section 4.2.6 requires that accessory structures be located in the rear or side yards, which ordinarily necessitates a primary structure prior to any accessory structure. A Special Use Permit is thus required to allow an accessory structure without a primary structure within the subject property. Staff finds that the proposed garage structure has been located in such a way to accommodate a future residential unit on-site, and would meet R-1 side and rear setback requirements for accessory structures upon the construction of a single-family residence.

To further mitigate issues specific to the proposed special use, Staff recommends the following condition(s):

- *The Special Use Permit authorizes the placement of an accessory structure for non-habitable purposes, which shall be located consistent with the submitted concept plan to accommodate the construction of a new single-family residence upon the subject property.*
- *The Special Use Permit shall expire on May 19, 2031; however, it may be renewed administratively three times for five year each by written instrument signed and issued by the Growth Services Director (or designee), unless:*

- *There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit;*
- *Neighboring property owners within 300 feet of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit; and/or*
- *The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or equivalent review process at the time).*

J. Consistency with the Comprehensive Plan.

1. **FLUE Policy 2.1.5** on Permitted and Special Use provides, "The County shall identify permitted and special uses for each land use designation and zoning classification, as further defined in the Comprehensive Plan, Zoning, and LDC."

Analysis: LDC Section 4.2.6 requires that accessory structures be located in the rear or side yards, which ordinarily necessitates a primary structure prior to any accessory structure. Staff finds that the proposed garage structure would be located within the rear or side yards of a potential residential unit within the subject property.

Given that a Special Use Permit is the proper process to allow an accessory structure without a primary structure, this application **is consistent** with FLUE Policy 2.1.5, provided that all previously-listed conditions are met.

2. **FLUE Policy 3.1.4** on Rural Area outside the UGB provides, "The lands outside of the UGB shall generally be referred to as the Rural Area and development in this area shall be guided by the following principles and as further defined in the LDC:
 - (1) Protect the existing rural and equestrian character of the area and acknowledge that a certain portion of the County's population will desire to live in a rural setting.
 - (2) Promote and foster the continued operation of agricultural activities, farms, and other related uses that generate employment opportunities in the Rural Area.
 - (3) Establish a framework for appropriate future opportunities and development options including standards that address the timing of future development.

(4) Create a focused strategy for the regulation of mining and resource extraction activity.

Allow for new Rural Land and Rural Activity Center Future Land Use designations with a Comprehensive Plan Amendment (CPA), as further allowed in this Plan and as further defined in the LDC."

Analysis: The subject site is designated as Rural Land (RL) and the applicant proposes a detached garage structure without a primary residence within the subject property. As a parcel of record, the subject property would be entitled to one (1) primary residence and related accessory structures.

The request would not result in increased density or intensity (i.e. residential dwelling units) than otherwise allowed by right within a property designated as Rural Land. Therefore, the proposed special use **is consistent** with FLUE Policy 3.1.2.

3. **FLUE Policy 8.1.1** on the Protection of Existing Residential Development provides, "The County shall recognize existing residential development and require that new development address issues of compatibility through implementation and maintenance of LDC that address density and intensity impacts of new development to the surrounding area and uses."
4. **Analysis:** The subject site is located within the residential Stanton Beach subdivision. The request for an accessory structure without a primary structure would not result in increased density or intensity (i.e. residential dwelling units) than otherwise allowed within a RL-designated property. Furthermore, the proposed detached garage structure, as indicated in the submitted site plan, would be located within the rear or side yards of a potential residential unit within the subject property, and would meet R-1 side and rear setback requirements. Staff has proposed conditions related to buffering and outdoor storage.

This special use **is thus consistent** with FLUE Policy 8.1.1, provided all previously-listed conditions are met.

Based on the above findings, staff concludes the SUP **is consistent** with LDC Sections 2.8.2.D and 2.8.3.B. The conditions in Section VII of this report are recommended to further address compliance.

VI. ALTERNATIVE ACTIONS

- A. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **DENY** the Special Use Permit.
- B. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein so

as to support the approval of the Ordinance with amended conditions, and make a recommendation to the Commission to adopt a proposed Ordinance to **APPROVE WITH AMENDED CONDITIONS** the Special Use Permit.

- C. Enter into the record the Staff Report and all other competent substantial evidence presented at the hearing, identify any additional data and analysis needed to support a recommendation on the proposed Ordinance, make a recommendation to **TABLE** the application for up to two months in order to provide the identified data and analysis needed to make an informed recommendation on the proposed Ordinance.

VII. STAFF RECOMMENDATION

Staff recommends the Planning & Zoning (P&Z) Commission enter into the record the Staff Report, and all other competent substantial evidence presented at the hearing, adopt the findings and conclusions contained herein, and make a recommendation to **APPROVE WITH CONDITIONS** the Special Use Permit based on compatibility in the area, compliance with the Comprehensive Plan, and lack of adverse impacts to the surrounding area.

To address compliance with LDC Sections 2.8.2.D and 2.8.3.B, the following conditions are recommended in the event that the Board chooses to agree with staff recommendation and approve the requested special use with the conditions that:

1. *The Special Use Permit authorizes the placement of an accessory structure for non-habitable purposes, which shall be located consistent with the submitted concept plan to accommodate the construction of a new single-family residence upon the subject property.*
2. *The Special Use Permit shall be contingent upon the ownership of the subject property, which shall remain under the ownership of Ward-Merrill, L.L.C and Charles Raymond Merrill. The Special Use Permit shall also be contingent upon the ownership of PID 4938-001-000, across the SE 138th Terrace right-of-way to the west of the subject property, which shall remain under ownership of Merrill C Raymond Family Trust and Charles Raymond Merrill. Should either property change in ownership/management, the accessory structure shall be removed from the subject property, unless a new Special Use Permit application is submitted for consideration.*
 - a. *The Special Use Permit shall terminate upon the construction of a single-family residence within the subject property.*
3. *Eight (8) foot setbacks from all subject property boundaries shall be observed for the siting of any accessory structure.*
4. *A vegetative buffer along the eastern and southern subject property boundaries, approximately twenty-five (25) feet in width, shall be maintained, unless and until the construction of a single-family residence.*

5. *No well or septic permits shall be authorized for the subject property unless or until a primary residence is established.*
6. *The storage of all personal goods and material shall be maintained within the proposed accessory structure.*
7. *Outdoor ground and building lighting shall not cast direct light on adjacent properties.*
8. *The Special Use Permit shall expire on May 19, 2031; however, it may be renewed administratively three times for five year each by written instrument signed and issued by the Growth Services Director (or designee), unless:*
 - a. *There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit;*
 - b. *Neighboring property owners within 300 feet of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit; and/or*
 - c. *The Growth Services Director determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or equivalent review process at the time).*

VIII. PLANNING & ZONING COMMISSION RECOMMENDATION

APPROVAL WITH CONDITIONS (BY CONSENT)

IX. BOARD OF COUNTY COMMISSIONERS ACTION

To be determined. Scheduled for June 2, 2026 at 2:00 PM.

X. LIST OF ATTACHMENTS

- A. Application
- B. DRC Comments Letter
- C. Site Photos
- D. Permit No. BLDR-25-11-00771
- E. POM No. 295D-4