



**Marion County
Board of County Commissioners**

Growth Services

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Ocala, FL 34470
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**ZONING SECTION STAFF REPORT
February 02, 2026 BOARD OF ADJUSTMENT PUBLIC HEARING**

| | |
|---------------------------------|---|
| Case Number | 260203V |
| Z Variance | 000010-2025 |
| Type of Case | Request a Variance in accordance with Section 2.9 of the Marion County Land Development Code, to reduce the front setback from 25 feet to 7 feet on the west side of the existing carport and from 25 feet to 3 feet on the east side of the existing carport in a Single-Family Dwelling (R-1) zone |
| Owner | Confidential |
| Applicant | Confidential |
| Street Address | 4321 SW 106 th Pl, Ocala, FL 34476 |
| Parcel Number | 3578-011-024 |
| Property Size | 0.56 acres |
| Future Land Use | Medium Residential |
| Zoning Classification | Single-Family Dwelling (R-1) |
| Overlay Zone/Scenic Area | Secondary Springs Protection Overlay Zone (S-SPOZ) |
| Project Planner | Sarah Wells, Planner II |
| Related Case(s) | Open Code Case 995985- 24x24 Carport over the driveway that does not meet setbacks. |

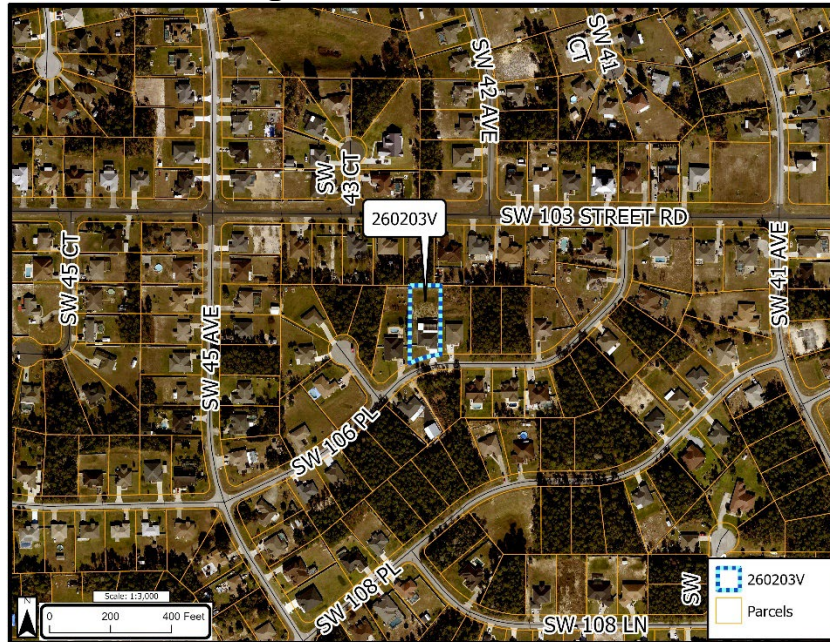
I. ITEM SUMMARY

This is a variance request filed by the applicant and owner (confidential) from the Land Development Code (LDC) Section 4.2.9 Single-Family Dwelling (R-1) Zoning Classification, to reduce the required front setback from 25-feet to 7-feet on the west side of driveway and 3-feet on the east side of driveway to allow for an existing attached accessory structure (carport) in front of an existing primary residence. A permit (permit number 2022083659) was pulled for the accessory structure on August 29, 2022. However, after two 90-day extensions, the permit was ultimately cancelled, requiring a new permit to be issued. The second permit that was applied for (permit number 202401665) included both a front and rear accessory structure. The permit was voided, and a third permit was created (permit number 2024010671). The last permit did receive a certificate of occupancy; however, the front accessory structure was not included in this permit. This led the applicant to mistakenly believe that the carport had been approved, and construction commenced. Per the zoning classification, attached carports must meet the 25' front setback required for R-1 zoning.

Figure 1 Subject parcel



Figure 2 General Area



II. PUBLIC NOTICE

Notice of public hearing was mailed to 28 property owners within 300 feet of the subject property on January 17, 2026. A public notice sign was posted on the subject property on January 2, 2026, and notice of the public hearing was published in the Star-Banner on January 20, 2026. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject 0.56-acre property is located within the Medium Residential (MR) Future Land Use Map Series (FLUMS) designation and the Single-Family Dwelling (R-1) Zoning Classification. LDC Section 4.2.9. provides the determined setbacks to be a minimum 25' front setback, minimum 25' rear setback, and minimum 8' sides setback.

The .56-acre subject property is addressed at 4321 SW 106th Pl, Ocala, FL 34476 Lot 24, Block 11, Plat Book K Page 052 in Ocala Waterway Estates. The property has 240' depth with 100' width.

IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.9. for the front setback from the required 25' to 7' (west of driveway) and 3' (east of driveway) for an existing 24'x24' attached carport. Consistent with LDC Section 2.9.3.B., on December 16, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

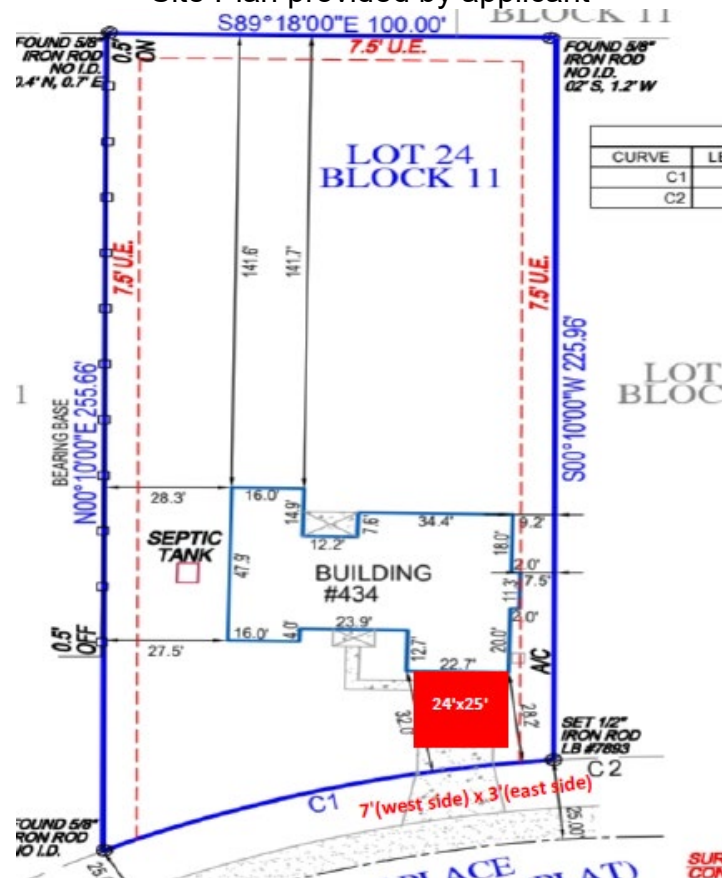
Figure 3

Applicant provided imagery of subject parcel and carport



Figure 4

Site Plan provided by applicant



V. ANALYSIS

LDC Section 2.9.4.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. The six (6) criteria and the 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 do not apply to other lands, structures, or buildings with the same zoning classification and land use area.

Analysis: Applicant states, "First, we have no other feasible location for the carport because of the location of our septic tank on the west side, the proximity of our house to the property line on the east side (see attached survey), and the severe gradient in our back yard that required us to have a retention wall built to stop the continuous erosion. Second, the carport is a safe area (not wet/slippy) where I can get out of my truck, and off load items in a safe manner that will not increase the injuries incurred in a combat zone while serving in the military. Third, the size of our garage 17ft 2in due to the water heater's location or 19ft 2in on the other side does not accommodate our RAM truck. And fourth, no routine nor emergency maintenance to the city utilities would be affected due to the distance from the carport versus the location of the utility's junction boxes (see email Sunshine 811). Our water line comes from our east through our neighbor's west side of their front yard, while our power line comes from a junction box located 8ft 3 5/8in (see attached picture #3) to the east of the carport's location, and no new digging will take place since all surrounding lots have been built."

Staff finds that initially, the applicant applied for a permit for a screened-in rear structure and a front carport on the same permit in 2022. The permit was granted two (2) extensions, while the third request was denied, leading to the permit's cancellation/void. In 2024, the contractor submitted a second permit, however, the permit was only for the rear structure and did not include the carport. The applicant saw that a permit had been issued for a carport through the property appraiser's office, leading them to mistakenly believe that the permit had been approved.

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

Analysis: The applicant states, "During the permit request, we utilized our survey (see attached survey) to determine that we could install a carport inside our property line. Furthermore, our contractor submitted a permit from the beginning of 2022 (see attached permit #2022083659). Our carport went through the process of inspections in 2022 without anyone mentioning any issues. The permit was canceled after two 90-day extensions that ended in Jan 2024. In Jan 2024 our contractor was directed to resubmit a new permit (see attached permit #2024010665), carport was reinspected under permit #2024010671, but this permit request was voided and dropped from our view without our knowledge. We didn't hear anything and saw that the carport is in our property card (see attached property card) which led us to believe that our permit was approved."

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: The applicant states, "Granting this variance is necessary for the reasonable use of our driveway in the safest manner when the weather conditions are wet/slippery causing a potential for a fall or a slip which will worsen injuries and medical conditions inflicted during our military service in a combat zone."

Staff finds the applicable permits were pulled initially; however, the resubmittal did not include the carport, unbeknownst to the homeowner.

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

Analysis: The applicant states, "We humbly request a variance of: 7ft from 25ft. on the west side of the driveway (front setback) 3ft from 25ft. on the east side of the driveway front setback).

Staff confirms the applicants' request is the minimum variance to allow reasonable use of the land for the detached carport in this location.

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: Applicant states "This is correct."

Staff finds that granting a variance is a privilege and each variance has its own special circumstances.

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

Analysis: The applicant states, "This statement is correct and on the contrary, it is helpful, inoffensive, and visually appealing -appears to be part of the house."

Staff finds that it will not be detrimental or injurious.

LIST OF ATTACHMENTS

- A. Application
- B. Marion County Property Appraiser Property Record Card
- C. Site Plan
- D. Warranty Deed
- E. Original Site Plan for Permit 2022083659
- F. Notice of Violation for Code Case 995985
- G. Survey of Parcel
- H. Attachments Provided by Applicant
- I. Site Plan Including Carport
- J. Site Photos