



**Marion County  
Board of County Commissioners**

**Growth Services**

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**ZONING SECTION STAFF REPORT  
May 5, 2025  
BOARD OF ADJUSTMENT PUBLIC HEARING**

<b>Case Number</b>	250503V
<b>CDP-AR</b>	32543
<b>Type of Case</b>	<b>Variance</b> Requesting a variance to Section 4.2.6.C(8) to place a 30'x35' detached garage in front of the existing house, current code requires accessory structures to be placed to the side or rear of the primary structure.
<b>Owner</b>	Donna Ermscher
<b>Applicant</b>	Deanna & Daniel Lucas
<b>Street Address</b>	18951 SW 109 <sup>TH</sup> St
<b>Parcel Number</b>	3484-002-004
<b>Property Size</b>	.49 acres
<b>Future Land Use</b>	Medium Density Residential
<b>Zoning Classification</b>	Mixed Residential (R-4)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Overlay Zone (SPOZ)
<b>Project Planner</b>	Rachel Kruger, Zoning Technician I
<b>Related Case(s)</b>	n/a

## I. ITEM SUMMARY

This is a variance request filed by the applicant Deanna & Daniel Lucas, from the Land Development Code (LDC) Section 4.2.6.-C.-(8), accessory structures shall be located in the rear or side yard provided required setbacks are observed. The Land Development Code states that in R-4 zoning, the SFR setbacks are 25' from the front property line, 25' from rear property line, and 8' from both side property lines. The applicant is requesting to have a detached 30'x35' garage in front of the existing home 50' from the front and rear property lines.

**FIGURE 1**  
**GENERAL LOCATION MAP**

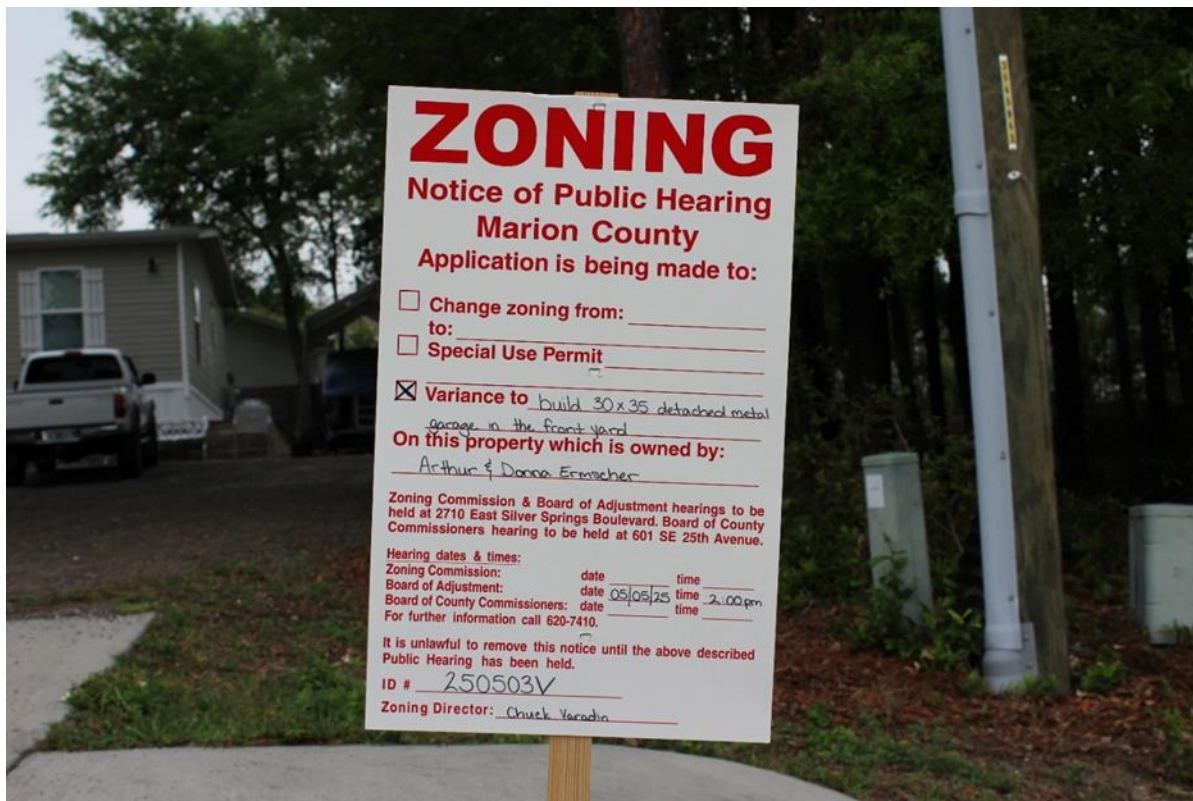


## II. PUBLIC NOTICE

Notice of public hearing was mailed to (22) property owners within 300 feet of the subject property on April 17, 2025. A public notice sign was posted on the subject property on April 1, 2025 (Figure 2), and notice of the public hearing was published in the Star-Banner on April 21, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.



Figure 2



Posted Sign

### III. PROPERTY CHARACTERISTICS

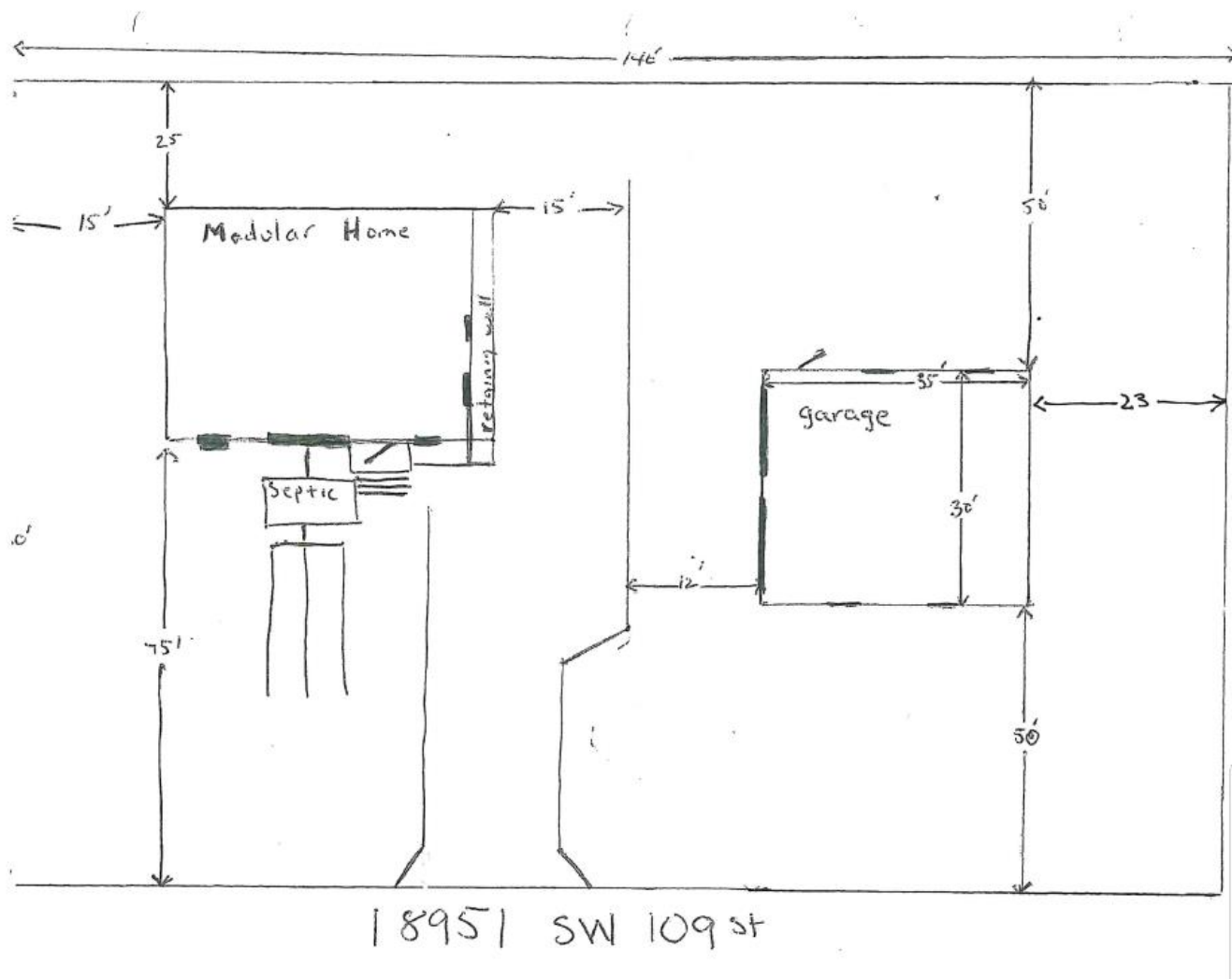
The subject .49-acre lot is located within the recorded subdivision, Rio Vista First Addition. The property has a Medium Residential Future Land Use Map Series (FLUMS) designation with an R-4 Zoning Classification. LDC Section 4.2.6C(8) states that accessory structures shall be located in the rear or side yard provided required setbacks are observed. Section 4.2.12.E also provides the determined setbacks to be a minimum 25' front setback, minimum 25' rear setback, and minimum 8' sides setback, with accessory structures to be 8ft from the side and rear.

The .49-acre subject property is displayed as Lots 4.5, Block B, Plat Book T Page 060 in Rio Vista First Addition. The property has 128' depth with 166' width.

#### IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.6.C(8). for the placement of a 30'x35' accessory structure in front of the primary residence. Consistent with LDC Section 2.9.3.B., on April 1, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

**Figure 3**  
**Site Plan**



## 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 they are requesting to put the 35'x30' garage structure in front of the existing modular home as there is a 10' incline in grade from the front of the property to the rear of the property that prohibits the placement of the structure anywhere else on the property.

**Staff** finds if they regrade the property, the garage structure will be able to meet the land development code regulations for accessory structures in the side or rear yard and meet the accessory structure setbacks.

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

**Analysis:** The applicant states the 10' incline in grade from the front to the rear of the property is the natural grade of said property with the steepest grade coming at the rear of the property. The property also slopes slightly left to right.

**Staff** states if they were to bring fill onto existing grade they can meet the current code requirements.

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 and would not adversely affect any property owners in the community of Rio Vista.

**Staff** finds that granting this variance would not be irregular to the surrounding area as long as they pull the proper permits for the structure.

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

**Analysis:** The applicant requests the structure to be located in the front of the existing house to be 50' from both the front and rear property lines in order to build the 30'x35' garage structure at the desired location.

**Staff** confirms the applicants request is the minimum variance to allow reasonable use of the land for the garage structure as the structure will still be meeting regular R-4 setbacks.

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:** The only privilege would be an accessory structure in the front yard.

**Staff** finds that granting any variance is a privilege and that granting the variance would not give any special privilege to this property over any other property of the same zoning and area.

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

**Analysis:** It will not be injurious or affect the neighborhood negatively.

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

## **V. LIST OF ATTACHMENTS**

- A. Application – Variance filed by Donna & Daniel Lucas, Feb 26, 2025
- B. Site Plan
- C. Marion County Property Appraiser Property Record Card
- D. 300' Mailing Radius Map
- E. Area Map of Zoning Classifications
- F. Warranty Deed
- G. Photos