



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
April 7, 2025
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	250401V
CDP-AR	32439
Type of Case	Variance to reduce front setback from 25' to 0' for a 30'x35' existing not attached carport. Permitted after the fact.
Owner	Miguel & Barbara Perez
Applicant	Miguel Perez
Street Address	10464 SW 45 th Ave, Ocala
Parcel Number	3578-016-030
Property Size	.53 acres
Future Land Use	Medium Density Residential
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Urban Growth Boundary
Project Planner	Clint Barkley, Zoning Technician I
Related Case(s)	Open Code Case 963206- Carport and electric for gate and garage door without the applicable permits.

I. ITEM SUMMARY

This is a variance request filed by the applicant Miguel Perez, from the Land Development Code (LDC) Section 4.2.10 E, attached structures to the home are required to meet the Single-Family Residential (SFR) setbacks. The Land Development Code states that in R-1 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 front setback reduction from the required 25' to 0' for a 30'x35' existing not attached carport. The carport was built without a permit, a permit was applied for in September of 2024 and rejected by zoning because it did not meet the front setback requirements. Since the carport is detached, it qualifies as an accessory structure. Accessory structures must be to the side or rear of the primary structure (house) and may not extend beyond the front of the primary structure.

**FIGURE 1
GENERAL LOCATION MAP**



II. PUBLIC NOTICE

Notice of public hearing was mailed to (23) property owners within 300 feet of the subject property on March 21, 2025. A public notice sign was posted on the subject property on February 18, 2025 (Figure 2), and notice of the public hearing was published in the Star-Banner on March 24, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject .53-acre lot is located within the recorded subdivision, Ocala Waterway Estates. The property has a Medium Residential Future Land Use Map Series (FLUMS) designation with an R-1 Zoning Classification. LDC Section 4.2.10.E provides the determined setbacks to be a minimum 25' front setback, minimum 25' rear setback, and minimum 8' sides setback.

The .53-acre subject property is displayed as Lot 30, Block 16, Plat Book K Page 052 in Ocala waterway estates. The property has 230' depth with 100' width.

Figure 2

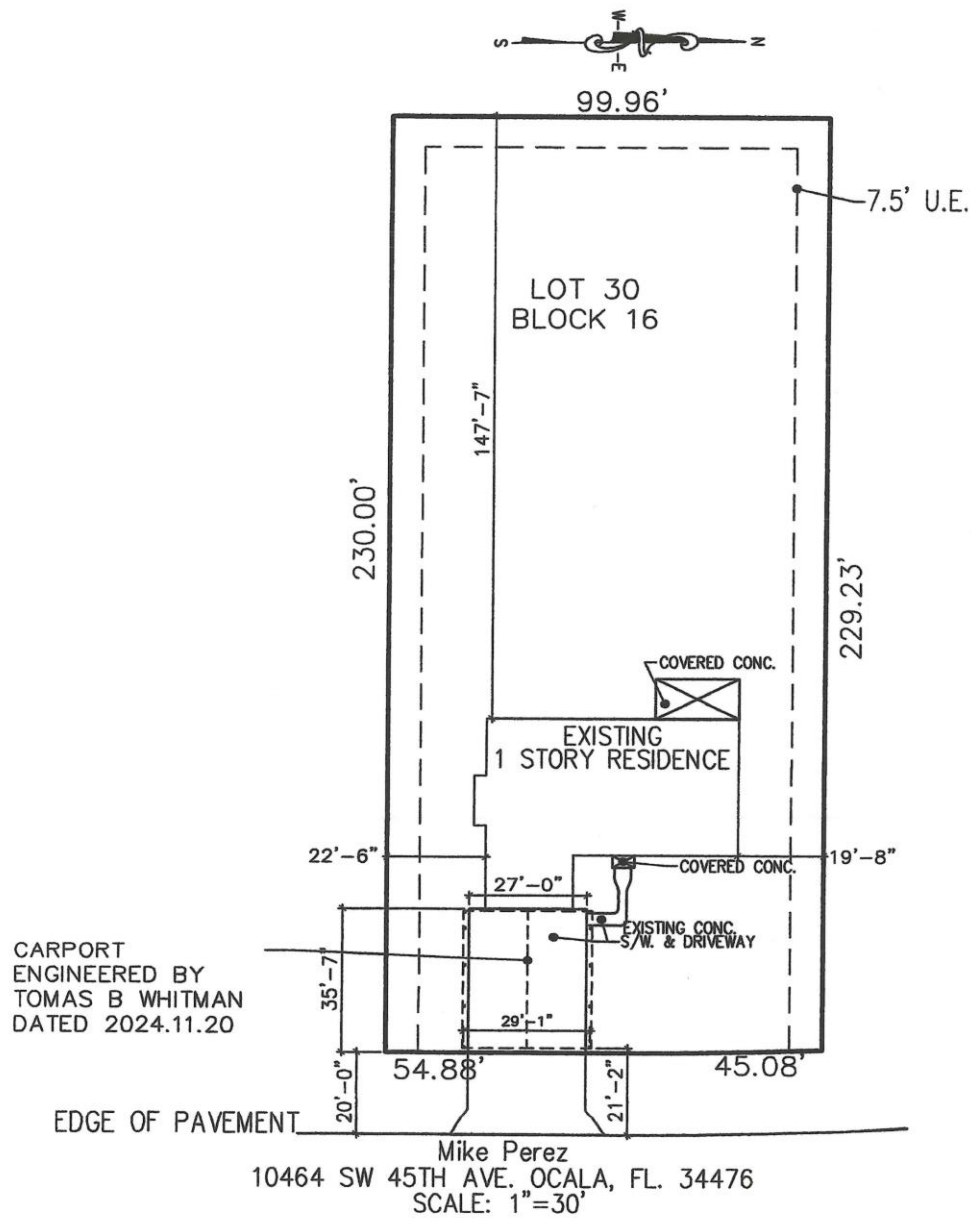


Perez Property

IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 0' for an existing 30'x35' not attached carport. Consistent with LDC Section 2.9.3.B., on February 18, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

Figure 4
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 a reduction to the front 25' setback to 0' for an existing 30'x35' not attached carport.

Staff inspected the property to measure the front setback request and concurs with the above 0' setback request of the applicant. The site plan provided with the original Building permit.

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

Analysis: The applicant states "I can't get rain water it can be deadly. I built it longer so I didn't get wet from rain do to my health."

Staff finds that if he would have pulled the applicable permits it would have not been approved by zoning, it is not attached and does not meet the setback requirements and is also an accessory in front of the home. And if the carport was attached to the home it would not meet the front setback requirement of 25' from the property line.

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: Other homes in the area have them.

Staff finds that if the applicable permits were pulled it would have not been approved by zoning, it is not attached and does not meet the setback requirements and is also an accessory in front of the home. Applicant states other homes in the area have similar carports. However, staff found only one variance request in this area for a front setback reduction and it was denied in 2016 (160904V).

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

Analysis: The applicant requires the minimum variance to accomplish health and safety goals as outlined above.

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: The only privilege would be the 25' front variance.

Staff finds that granting any variance is a privilege, the structure if permitted would not have met the setbacks for an accessory building in the front of the home in the R-1 zoning and would not have been approved.

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

Analysis: It will not affect the neighborhood negatively.

Staff finds that if 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 is a distance of 21'2" form the road to the property line.

V. LIST OF ATTACHMENTS

- A. Application – Variance filed by Miguel Perez, January 24, 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. Medical Record