



**Marion County  
Board of County Commissioners**

**Growth Services**

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**ZONING SECTION STAFF REPORT  
February 3, 2025  
BOARD OF ADJUSTMENT PUBLIC HEARING**

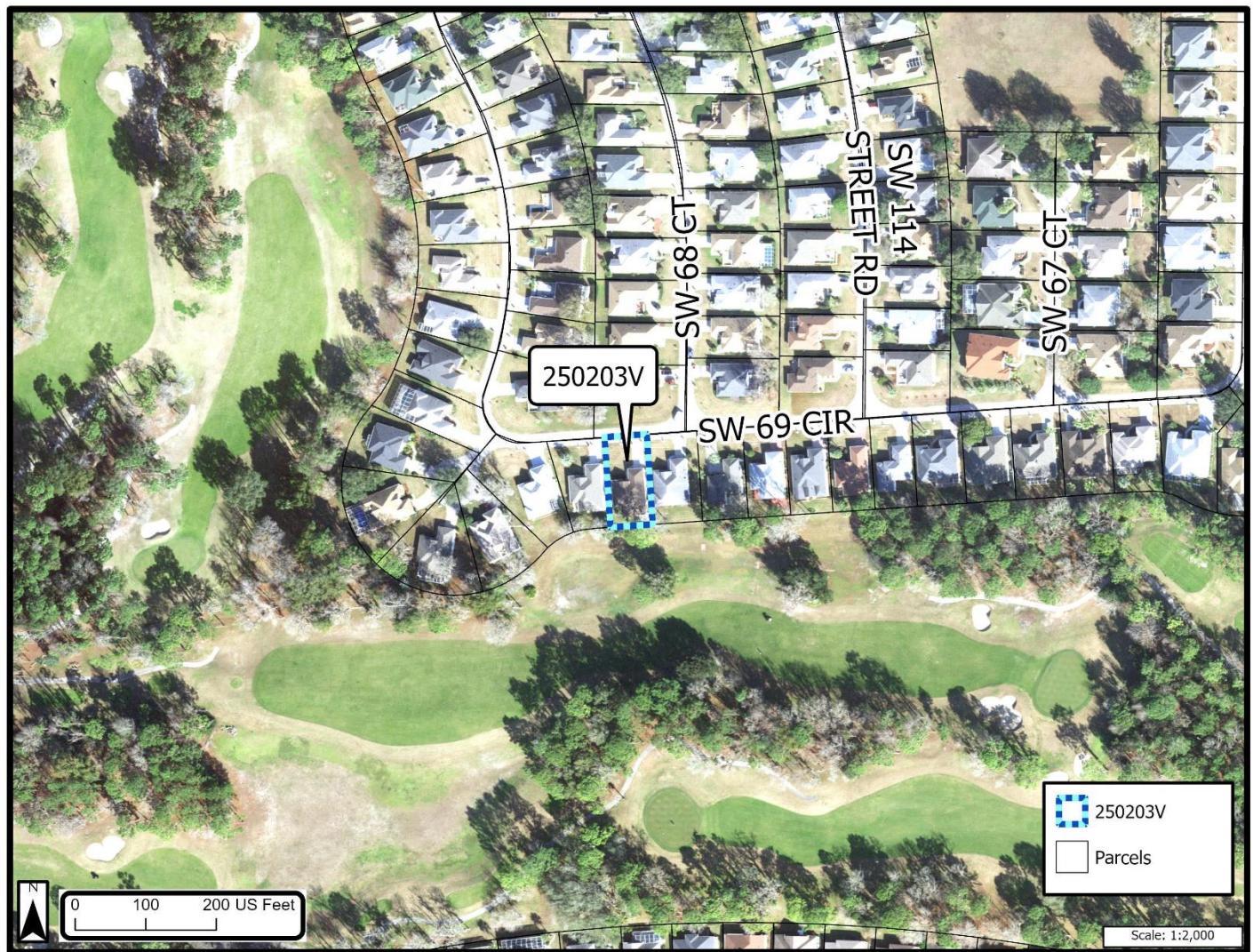
<b>Case Number</b>	250203V
<b>CDP-AR</b>	32265
<b>Type of Case</b>	<b>Variance</b> requesting a rear setback reduction from 8' to 4.5' for a proposed addition of a screen enclosure
<b>Owner</b>	David and Rachelle Williamson
<b>Applicant</b>	David and Rachelle Williamson
<b>Street Address</b>	11516 SW 69 <sup>th</sup> Circle, Ocala, FL
<b>Parcel Number</b>	7021-001-021
<b>Property Size</b>	±0.14 ac
<b>Future Land Use</b>	High Residential (HR)
<b>Zoning Classification</b>	Planned Unit Development (PUD)
<b>Overlay Zone/Scenic Area</b>	Urban Growth Boundary (UGB) and Secondary Springs Protection Overlay Zone (SPOZ)
<b>Project Planner</b>	Ken Weyrauch, AICP, Deputy Director
<b>Related Case(s)</b>	None

## I. ITEM SUMMARY

This is a request filed by David and Rachelle Williamson, owners and applicants, for a variance from Land Development Code (LDC) Section 5.2.4.A to reduce the rear setback from 8' to 4.5' for a proposed screened porch within the Oak Run Development of Regional Impact. The subject property is located in the Baytree Greens phase of Oak Run, platted in 1997.

Figure 1 is an aerial photograph displaying the general location of the subject property.

**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 January 17, 2025. A public notice sign was posted on the subject property on January 13, 2025 and notice of the public hearing was published in the Star Banner on January 20, 2025. Evidence of the public notice requirements are on file with the Department and are incorporated herein by reference.

### III. PROPERTY CHARACTERISTICS

This parcel is located in the subdivision of Oak Run which is a Development of Regional Impact. The specific unit is Baytree Greens platted in 1997 and the house was built in 1998. The subject property is  $\pm 0.14$  acres. The subject property's Future Land Use is High Residential (HR) and has a Planned Unit Development (PUD) zoning classification. The property is also located within the Urban Growth Boundary and Secondary Springs Protection Zone.

Timeline:

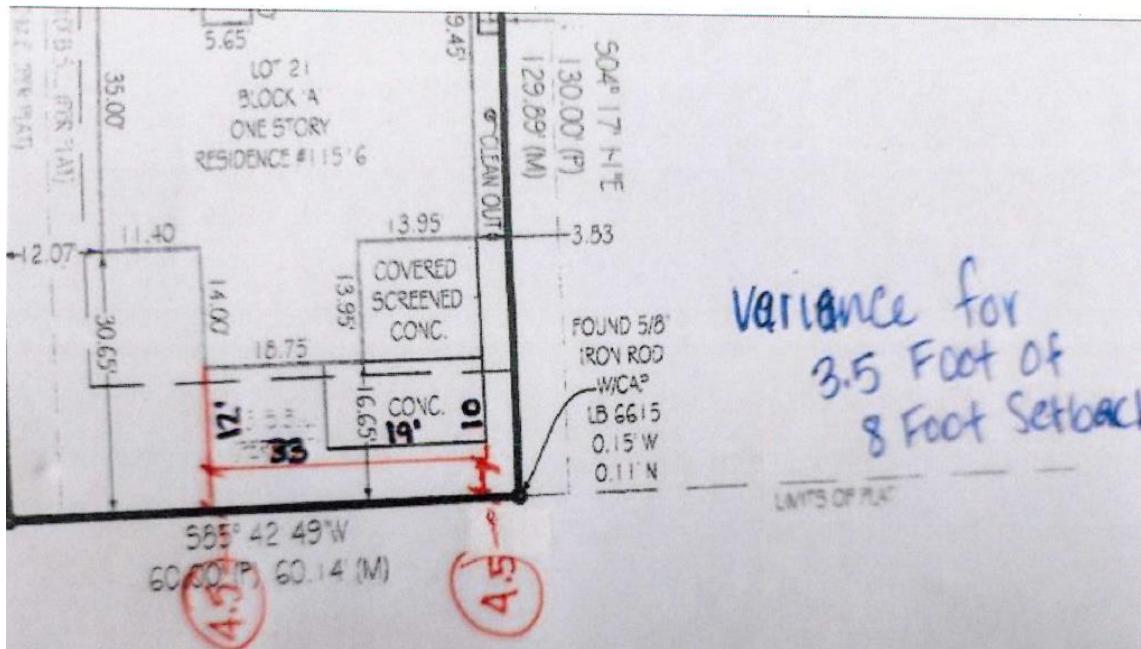
- Marion County Land Development Code Adopted in 1992
- Marion County Comprehensive Plan Adopted in 1994
- This subdivision was platted on 1997
- Single-Family Residence was built in 1998

**FIGURE 2**  
**AERIAL**



**FIGURE 3**

## SURVEY OF PROPERTY (ATTACHMENT C)



### IV. REQUEST STATEMENT

David and Rachelle Williamson, owners and applicants requests a variance from LDC Section 4.2.31.E(3), to reduce the rear setback line from 8' to 4.5' for proposed screened enclosure in PUD Zoning.

### ANALYSIS

LDC Section 2.9.2.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with the six (6) criteria. The six (6) criteria and 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 are not applicable to other lands, structures or buildings with the same zoning classification and land use area.

**Applicant Justification:** The Applicant states "Our home is positioned deeper within our lot, leaving less room on the back, however nothing unique to our lot versus other residential lots in the development based on the curvature of the roads and the golf course. Each lot may have its own uniqueness. We are requesting a reduction from 8' to 4.5' for the proposed addition (screen enclosure) to the rear property line."

**Staff** finds that no special conditions exist. The property was developed within regulations. The applicant bought the house in 2023. The house was built in 1998.

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

**Applicant Justification:** The applicant states that the home was purchased in 2023 and that the positioning of the home is not of their actions.

**Staff** finds there are no special circumstances on the property. The lot was platted in 1997 in accordance with the LDC and PUD approval, the home was built in 1998 and meets standards.

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.

**Applicant Justification:** Applicant states "it would not cause us undue hardship however if a variance not to be granted, it would deter us from full use and enjoyment of an outdoor space attached to our home."

**Staff** finds that there have been a few approved variances for rear setback reduction in Oak Run, however, none of those are within the vicinity of the subject property. While granting the variance would not adversely affect other properties, the applicant has not sufficiently proven a hardship exists.

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

**Applicant Justification:** Applicant states "we closely analyzed our options and the requested variance of 3.5' is required to obtain the space for reasonable and full enjoyment of the addition of the screen enclosure".

**Staff** finds that only one option for enclosure is included within the application for a variance. This is the minimum variance to request for this option of enclosure. The property can be used residentially without the variance being granted.

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.

**Applicant Justification:** Applicant states "No it will not. We went through the process and RECEIVED APPROVAL from the Oak Run Board of Approvals for a variance to our Development's Restrictions/Regulations which is available for every resident of Oak Run to do if they so choose."

**Staff** finds that a few properties have approved variances for reduced rear setbacks, none of those properties are near the subject property. See Figure 4 below.

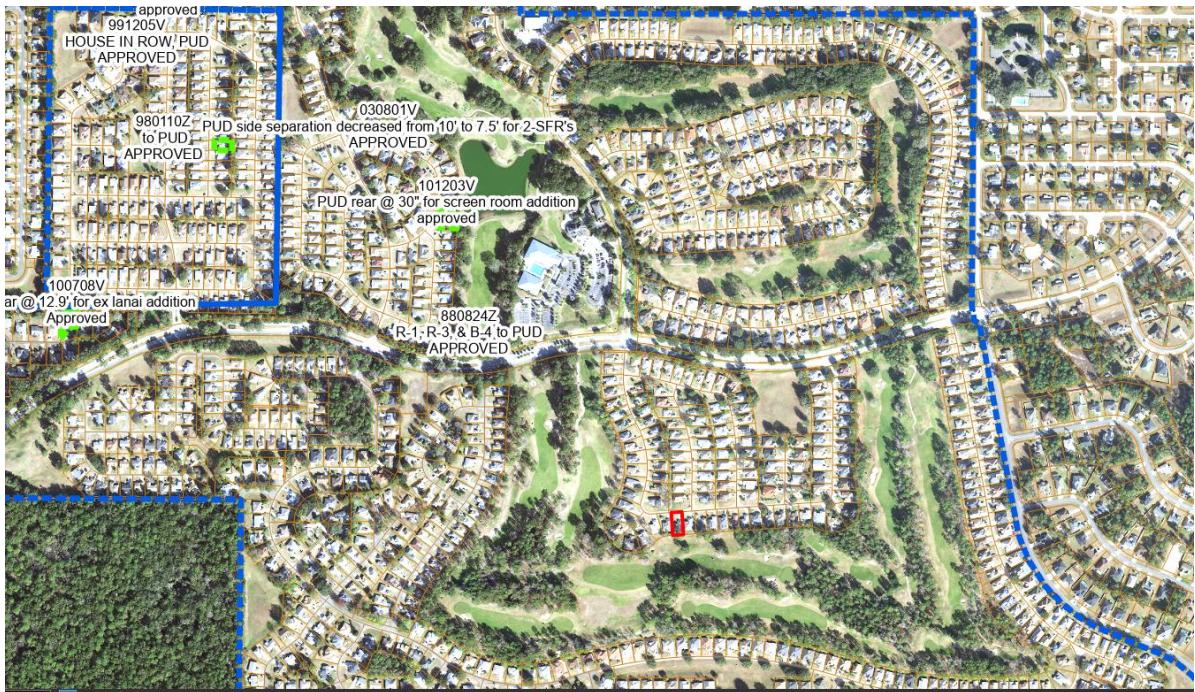
6. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Applicant Justification:** Applicant states "Correct. It will not. We have attached letters from our adjacent neighbors on each side of us confirming that they have no concern with our addition this screen enclosure. We have a large ditch which is

part of the golf course behind our home, therefore a much greater distance from the fairway than many other homes in Oak Run".

**Staff** finds that a reduction of setback requirement for accessory structures on this property will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**FIGURE 4**  
**MAP SHOWING VARIANCES IN THE AREA**



## **V. LIST OF ATTACHMENTS**

- A. Application
- B. Marion County Property Appraiser Property Record Card, 2024 Certified Assessment Roll
- C. Site Plan
- D. Deed
- E. 300' Mailing Map
- F. Aerial View
- G. Photos
- H. Plat