



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
August 4, 2025
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	250801V
CDP-AR	131775
Type of Case	Variance to reduce front setback from 25' to 7.9' for a 22'x23' existing not attached carport. The permit was cancelled by contractor.
Owner	Tony Hassman & Kimberle Glaser
Applicant	Tony Hassman
Street Address	10185 SW 41 st Ave, Ocala
Parcel Number	3578-023-027
Property Size	.46 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	Cristina Franco, Zoning Technician I
Related Case(s)	Open Code Case 98372- Accessory structure built in front setback without the applicable permits.

I. ITEM SUMMARY

This is a variance request filed by the applicant Tony Hassman, 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 the 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 7.9' for a 22' X 23' existing not attached carport. The carport was built with a permit that was cancelled, a permit was applied for in October of 2024 and rejected by zoning because it did not meet the front setback requirements. Since the carport is not attached, 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 (18) property owners within 300 feet of the subject property on July 18, 2025. A public notice sign was posted on the subject property on June 23, 2025 (Figure 2) and the notice of the public hearing was published in the Star-Banner on July 15, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject .46-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 .46-acre subject property is displayed as Lot 27, Block 23, Plat Book K Page 052 in Ocala waterway estates. The property has 200' depth with 100' width.

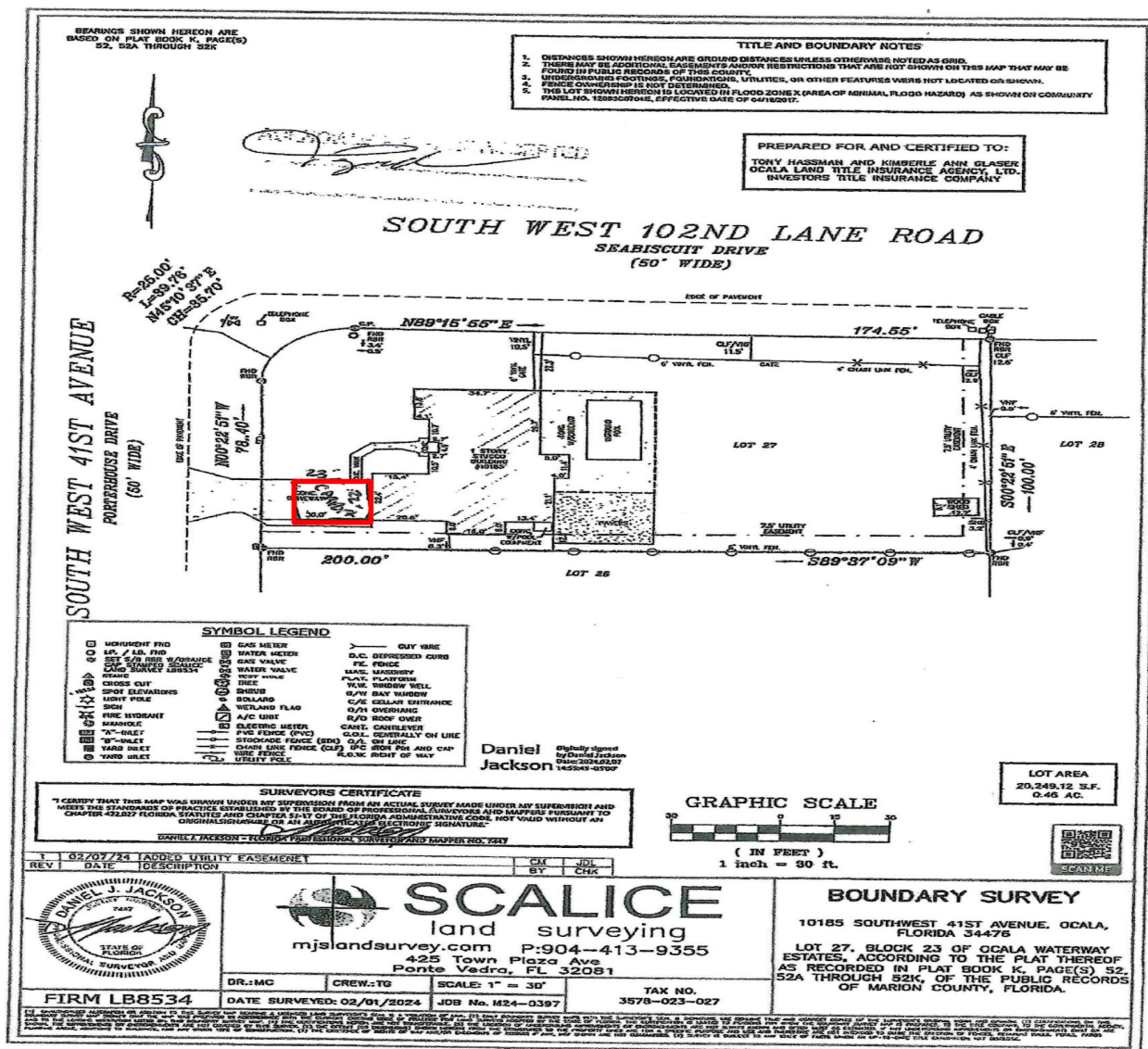
Figure 2
Hassman Property



IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 7.9' for an existing 23'x22' attached carport. Consistent with LDC Section 2.9.3.B., on June 23, 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 7.9' for an existing 23' x 22' not-attached carport.

Staff inspected the property to measure the front setback request and concur with the above 7.9' setback request of the applicant. The site plan provided with the original Building permit 20240102255 currently rejected by zoning, shows a 7' setback.

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

Analysis: The applicant states "Their vehicles do not fit in the garage thus they are exposed to the afternoon sun and heat all day. The sunshade/carport keep the direct sun off the paint, rubber and leather, thus extending the life of the vehicle. The heat in the garage from midday to late evening has proven to heat our garage and master suite extensively. To reduce the heat, we have insulated the garage, added a room air conditioner. Additionally, the carport had reduced the heat by an additional 5-10 degrees.

Staff finds that if he would have pulled the applicable permits it would not have 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: As per the applicant there are 4 permitted properties within blocks of my property that have the same installation typical in size and layout, each of these were approved inside of code section 4.2.9. Permit numbers and addresses:

2015031486 – 10247 SW 41st Ave, (Structure to street 20')
2014010818 – 4074 SW 103rd Ln, (Structure to street 20')
2014100136 – 10114 SW 42nd Ave, (Structure to street 20')
2010110636 – 4861 SW 106th Pl. (Structure to street 20')

Staff permit 2015031486 site plan shows a 25' setback and was approved.
Permit 2014010818 Site plan shows the carport in the rear of the property meeting the rear and side setback of 8' and that is what zoning approved.
Permit 2014100136 has a site plan showing 25' setback and was approved.
Permit 2010110636 is for a Cat III enclosed sunroom.
Staff finds that if the applicable permit were pulled it would not have 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.

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

Analysis: Planning of this structure and installation, is the final step on our best efforts for the protection and welfare of the real property and inhabitants. A structure placed in any other part of the property would not serve the same purpose or provide the same results in the design and layout.

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 true.

Staff finds that granting any variance is a privilege, the structure if permitted would not have met the setbacks for an accessory building in front of the home in the R-1 zoning and would not have been approved. No other homeowners in the area are allowed to encroach into the front setback.

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

Analysis: Planning this structure every dimension was planned based on need and without impacting line of sight, right of way, or visual interference with neighboring homes. There are similar structures on the same street.

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.

V. LIST OF ATTACHMENTS

- A. Application
- B. Site Plan
- C. Marion County Property Appraiser Property Record Card
- D. Warranty Deed