



**Marion County  
Board of County Commissioners**

**Growth Services**

2710 E. Silver Springs Blvd.  
Ocala, FL 34470  
Phone: 352-438-2600  
Fax: 352-438-2601

**ZONING SECTION STAFF REPORT  
September 8, 2025  
BOARD OF ADJUSTMENT PUBLIC HEARING**

<b>Case Number</b>	250901V
<b>Type of Case</b>	<b>Variance:</b> The applicant requests a variance from Section 2.9 of the Marion County Land Development Code, a reduction of the rear setback from 8' to 0' for installation of a pool cage/enclosure, in a Single-Family Dwelling (R-1) zone.
<b>Owner</b>	Rhonda A. Shingleton
<b>Applicant</b>	Self/owner
<b>Street Address</b>	2539 NE 32 <sup>nd</sup> Place
<b>Parcel Number</b>	24261-010-01
<b>Property Size</b>	±.32acres
<b>Future Land Use</b>	Medium Residential
<b>Zoning Classification</b>	Single Family Dwelling (R-1)
<b>Overlay Zone/Scenic Area</b>	Primary Springs Protection Zone
<b>Project Planner</b>	Lynda Smith, Zoning Technician II
<b>Permit</b>	No permit application submitted yet, pending BOA meeting
<b>Code Case</b>	none

## I. ITEM SUMMARY

This is a request filed by applicant/owner Rhonda A. Shingleton for a variance from Land Development Code (LDC) Section 2.9, a reduction of the rear setback from 8' to 0' for installation of a pool cage/enclosure, in a Single-family Dwelling (R-1) zone. R-1 zoning has setbacks for accessories in single-family dwelling zones that are 8' from the rear property lines and 8' from the side property lines. The proposed structure cannot meet the rear setbacks of 8', but is able to meet the setback of 8' from the side property line.

Timeline:

- Carol Estates subdivision was platted on March 12, 1982
- In 1985, SFR was built on this parcel
- Pool was placed on this parcel in 1986 per the Property Appraiser's card
- This parcel is not located on the water and is not affected by ESOZ regulations

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



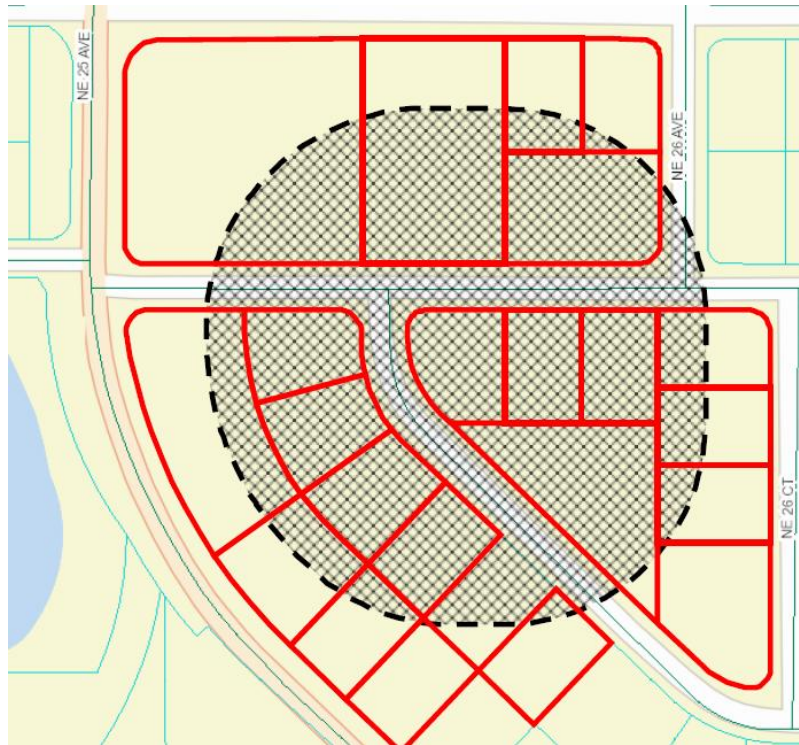
## II. PUBLIC NOTICE

Notice of the public hearing was mailed to 21 property owners within 300 feet of the subject property on August 15, 2025. A public notice sign was posted on the subject property on July 30, 2025, and notice of the public hearing was published in the Star Banner on August 18, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

**Figure 2**  
**Sign Posting**



**Figure 3**  
**300ft Notification Zone**



### **III. PROPERTY CHARACTERISTICS**

This parcel is  $\pm$ .32-acres with Medium residential land use (RL) and Single-Family dwelling (R-1) zoning classification. It is a corner lot, with 95' of frontage and a depth of 146'. The home was built in 1985, and the pool was built in 1986, and met the setbacks at that time. The setbacks for the pool in 1986 were "8' from any track line, 25' from any street, and at least 5' from any main buildings."



FIGURE 4  
AERIAL



FIGURE 5  
ZONING MAP

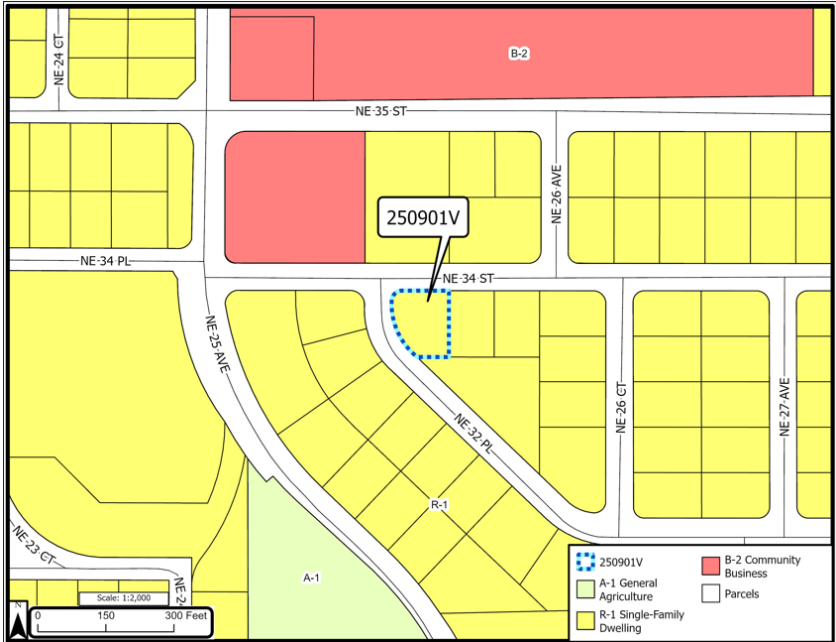


FIGURE 6  
FLOODPLAIN MAP

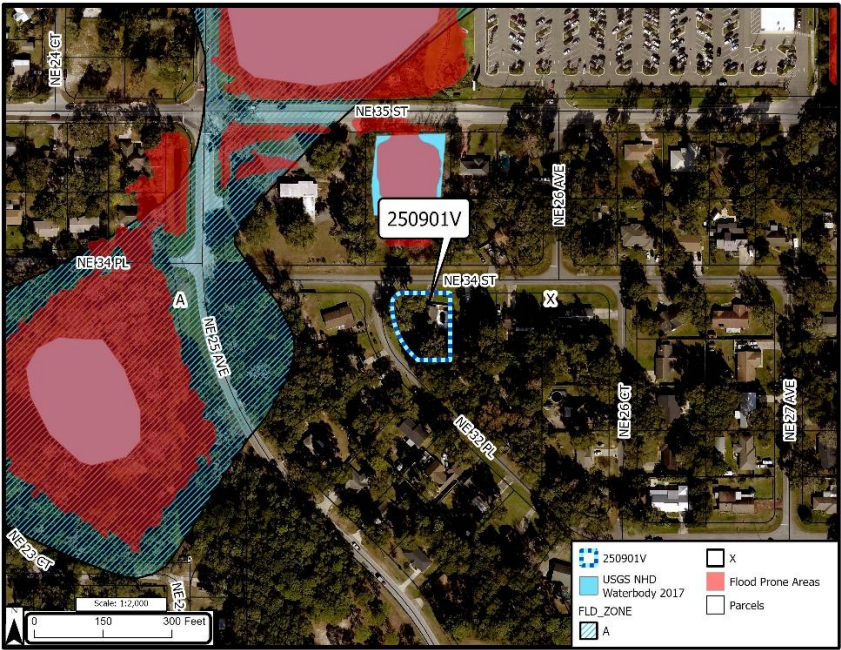
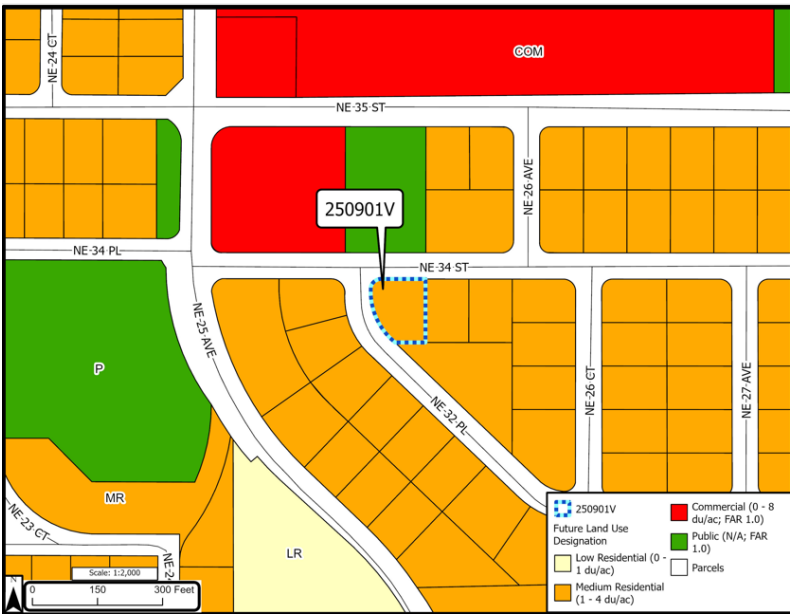


Figure 7  
Land Use Map





**Figure 8**  
**Surrounding Variances Map**



#### IV. REQUEST STATEMENT

This is a request filed by applicant/owner Rhonda Shingleton for a variance from Land Development Code (LDC) Section 2.9, a reduction of the rear setback from 8' to 0' for installation of a pool cage/ enclosure, in a Single-family Dwelling (R-1) zone. R-1 zoning has setbacks for accessories in single-family dwelling zones that are 8' from the rear property lines and 8' from the side property lines. The proposed structure cannot meet the rear setbacks of 8', but is able to meet the setback of 8' from the side property line.





## V. ANALYSIS

LDC Section 2.9.2.E provides that 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.

**Analysis:** I am requesting a 0' setback for the building of a pool enclosure just inside our fence on an existing pool deck that was built in 1986. The pool begins 8' from the fence line. Reduction of the setback is for the rear setback only. I am requesting the setback for medical reasons, a severe allergy to wasps, and have to carry an EPI-PEN everywhere.

**Staff:** Finds that Special conditions and circumstances do not 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. The pool deck was built in 1986, and met the setbacks at the time.

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

**Analysis:** The pool and deck were built in 1986. The existing construction and layout does not offer any other layout or building of a screen enclosure

**Staff:** Finds that special conditions and circumstances are not the result of the actions of the owner/ applicant. The current owner, Rhonda Shingleton, purchased this parcel on October 18, 2024, and the conditions were present prior to her purchasing this property.

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:** Building of the cage/enclosure would fall within the privacy fence that is on our property line. It would not hinder the look or function of the property.

**Staff:** Finds that this pool and deck were built on the parcel in 1986, meeting the setbacks at the time and 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 hardships on the applicant due to her medical condition.

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

**Analysis:** Applicant states a reduction of 8' to 0' is needed to still have a safe and accessible access to the pool.

**Staff:** A reduction of the setback from 8' to 0' is the minimum variance that will allow the use of the land. The placement of the pool with the deck in 1986 was completed, and met setbacks at that time.

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:** Owner states that this is true. Granting the variance will not prohibit or cause a hardship on other properties in the same zoning classification. I have a written statement from the neighbor next door who shares the fence, granting his permission for the enclosure. In addition, there are several homes in the neighborhood with screen enclosures.

**Staff:** Finds that granting of the request will not confer on the applicant special privilege. The pool and the deck were completed in 1986, and met the setbacks at that time. The owner has a condition that, when exposed to wasps, can become life-threatening, and a cage/enclosure will help to reduce the chance of that exposure.

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

**Analysis:** Owner states that this is true. The screen enclosure will be inside our current privacy fence. This will not bring down property values, cause damage to adjacent properties, or obstruct views from driveways.

**Staff:** Finds that if the variance is granted, it would not be injurious to the neighborhood as long as the applicant pulls the correct permits and gets them approved.

**VI. 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. Survey
- G. Photos
- H. Physicians note
- I. Marriage license