



**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 9, 2024  
BOARD OF ADJUSTMENT PUBLIC HEARING**

<b>Case Number</b>	240805V
<b>CDP-AR</b>	31650
<b>Type of Case</b>	<b>Variance</b> to reduce front setback from 25' to 19' for a second carport to be even with the existing roofline.
<b>Owner/ Applicant</b>	Brian and Tamra Ahl
<b>Street Address</b>	10030 SW 91 <sup>ST</sup> TER
<b>Parcel Number</b>	35322-004-04
<b>Property Size</b>	.25 acres
<b>Future Land Use</b>	High Density Residential
<b>Zoning Classification</b>	One and Two-Family Dwelling (R-2)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Overlay Zone (SPOZ), Urban Growth Boundary (UGB)
<b>Project Planner</b>	Rachel Kruger, Zoning Technician I Elizabeth Madeloni, Zoning Technician III
<b>Related Case(s)</b>	N/A

## I. ITEM SUMMARY

This is a variance request filed by owners Brian and Tamra Alh, from the Land Development Code (LDC) Section 4.2.10 E. Structures attached to the home are required to meet the Single-Family Residential (SFR) setbacks and the Land Development Code states that in R-2 zoning, SFR setbacks are 25' from the front property line, 15' 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 19'.

**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 August 23, 2024. A public notice sign was posted on the subject property on August 13, 2024 (Figure 2), and notice of the public hearing was published in the Star-Banner on August 26, 2024. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.



### III. PROPERTY CHARACTERISTICS

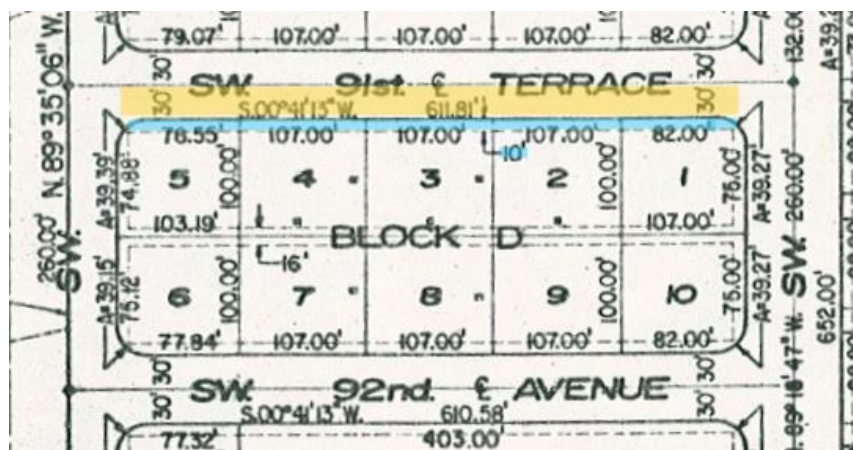
The subject .25-acre lot is located within the recorded subdivision, Pine Run Estates II. The property has a High Residential Future Land Use Map Series (FLUMS) designation with an R-2 Zoning Classification. LDC Section 4.2.10.E provides the determined setbacks to be a minimum 25' front setback, minimum 15' rear setback, and minimum 8' sides setback.

The .25-acre subject property is displayed as Lot 4, Block D, Plat Book V Page 045 in Pine Run Estates II. The property has 100' depth with 107' width. The platted right of way directly along the south side of Lot 4 is 30' wide, 10' of which is the paved road. This does not include a 10' easement along the front of the subject property.

**Figure 2**  
**Ahl Property**



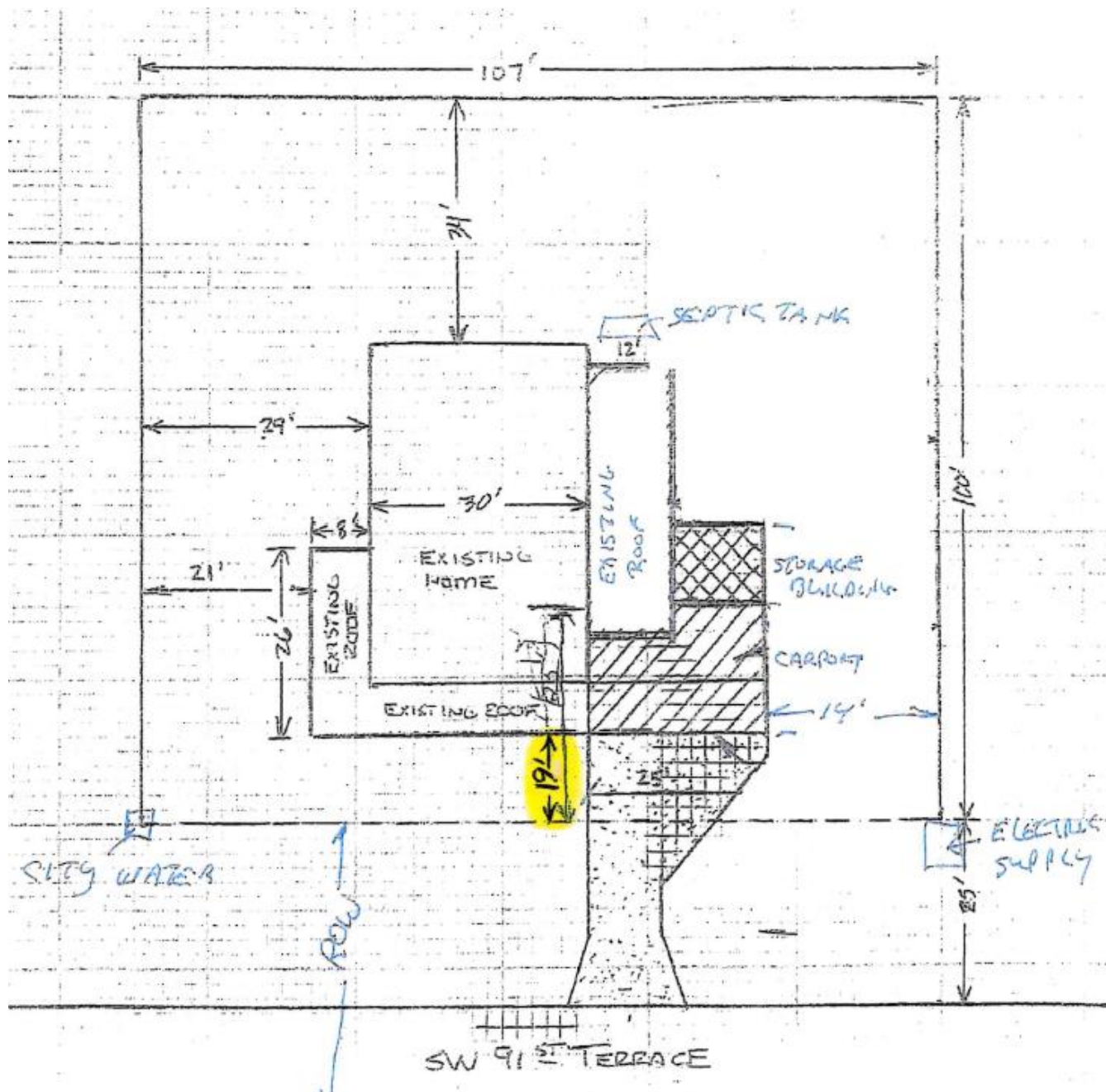
**Figure 3**  
**Right of Way**



#### IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 19' for an additional carport and new storage structure to be even with the existing carport. Consistent with LDC Section 2.9.3.B., on July 2, 2024, 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:** Requesting a reduction of the 25' to 19' front setback in an R-2 residential zoning classification to add a second carport. The new structure will be 12' wide and 29' long which will include a storage building at the back of the carport. Adding a carport to the existing building is not possible, nor convenient in any other location.

**Staff** inspected the property to measure the front setback request and concurs with the above 19' setback request of the applicant, due to the aluminum patio cover extension over existing concrete permit that was approved in 2005.

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

**Analysis:** There was a previous permit granted and approved for the pouring of the concrete for the new carport. There is only one location to add a new carport. Please see figure 4 which shows the new angle driveway and the 12'x29' pad for a carport and storage building.

**Staff** finds that the patio cover was permitted in 2005 by different owners and no longer has an available site plan to see the setbacks of that structure. There is a permit that was done in 2023 by the current property owners for the concrete of the new structure. However, the submitted site plan for the concrete permit 2023090396 shows just the dimensions of the new pad and does not show where the proposed carport/storage structure were going on the pad.

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:** There are over 800 houses in Pine Run, over 80 houses have double carports. Some of the carports were added after the 25' setback was put into place. Granting this variance would fall in line with other granted requests and does not affect any of the neighboring properties.

**Staff** finds the 30' right of way (ROW) is actually 10' of roadway and the other 20' of ROW is included as part of their front yard like the other neighbors, not including the 10' easement along the front property line. Therefore, all other surrounding

properties in the area have the same conditions and have applied for previous variances, since most of the houses were put in during the 80s'.

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

**Analysis:** A reduction from the 25' to 19' will allow the construction to line up exactly with the current front line of the roof edge. The size of the new structure is the minimum to park a vehicle and have a storage building that will house yard equipment and general household storage.

**Staff** finds that the 12' x 29' carport and storage structure can meet the 25' setback since the structure is an addition that has not yet been built.

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:** Granting of this variance will allow the improvements to the property that other property owners in Pine Run have been able to enjoy. The precedent was set back when the setback of 25' was established after the houses of Pine Run were originally built in 1980's.

**Staff** finds granting any variance is a privilege, however, with Pine Run Estates II having the same extended front yard due to the right of way added to everyone's front yard and the 10' easement, the variance wouldn't negatively impact the neighborhood.

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

**Analysis:** This does not create any type of safety issue for the neighborhood. It does create a safer structure for the owner's personal property.

**Staff** confirms the neighborhood has the same extended right of way merged into their front yards and the variance will not be detrimental to the public welfare.

## V. LIST OF ATTACHMENTS

- A. Application – Variance filed by Brian and Tamra Ahl June 10, 2024
- 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