



**Marion County  
Board of County Commissioners**

**Growth Services**

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Ocala, FL 34470  
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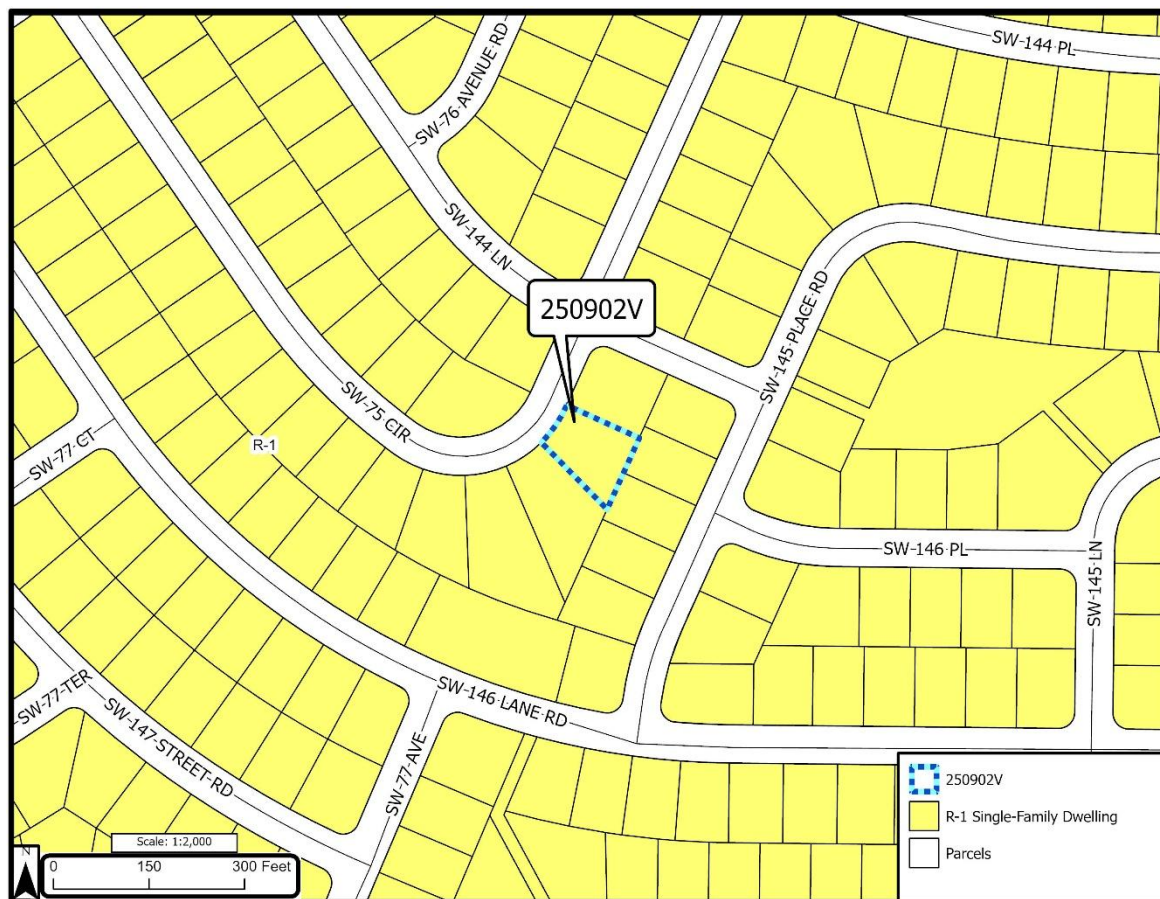
**ZONING SECTION STAFF REPORT  
September 8, 2024  
BOARD OF ADJUSTMENT PUBLIC HEARING**

<b>Case Number</b>	250902V
<b>CDP-AR</b>	33005
<b>Type of Case</b>	Variance to reduce the (southwest) side setback from 8' to 4.22' for an existing single-family residence in a Single-Family Dwelling (R-1) zone.
<b>Owner</b>	World Wide Alliance LLC Richard Barner
<b>Applicant</b>	World Wide Alliance LLC
<b>Street Address</b>	14485 SW 75 <sup>th</sup> Cir. Ocala, FL 34473
<b>Parcel Number</b>	8011-1350-36
<b>Property Size</b>	± 0.27 acres
<b>Land Use</b>	Medium Residential
<b>Zoning Classification</b>	Single Family Dwelling (R-1)
<b>Overlay Zone/Scenic Area</b>	Secondary Springs Protection Zone
<b>Project Planner</b>	Cristina Franco, Zoning Tech
<b>Related Case(s)</b>	None

## I. ITEM SUMMARY

Richard Barner, c/o with Worldwide Alliance LLC, filed a request for a variance from Land Development Code (LDC) Section 4.2.9.E., Single Family Dwelling (R-1) classification setbacks, to allow for a front southwest side setback reduction from 8' to 4.22' for the placement of an existing house. The subject property is within Marion Oaks Unit 11. The Zoning Classification is R-1, where the setbacks for the primary residence are 25' from the front and rear property lines and 8' from the side property lines. The subject property is within the Secondary Springs Protection Zone (SPOZ). The application states the variance is required due to a construction error. The single-family home constructed on this site has an approved permit that shows setbacks meeting the Marion County Land Development Code standards, with a 15.57' setback of the southwest and 14.51' southeast side of the approved site plan. Staff has reviewed the variance application against the criteria in LDC Section 2.9.2.C.

**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 August 15, 2025 (see Attachment B). 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 Growth Services Department and is incorporated herein by reference.

## III. PROPERTY CHARACTERISTICS

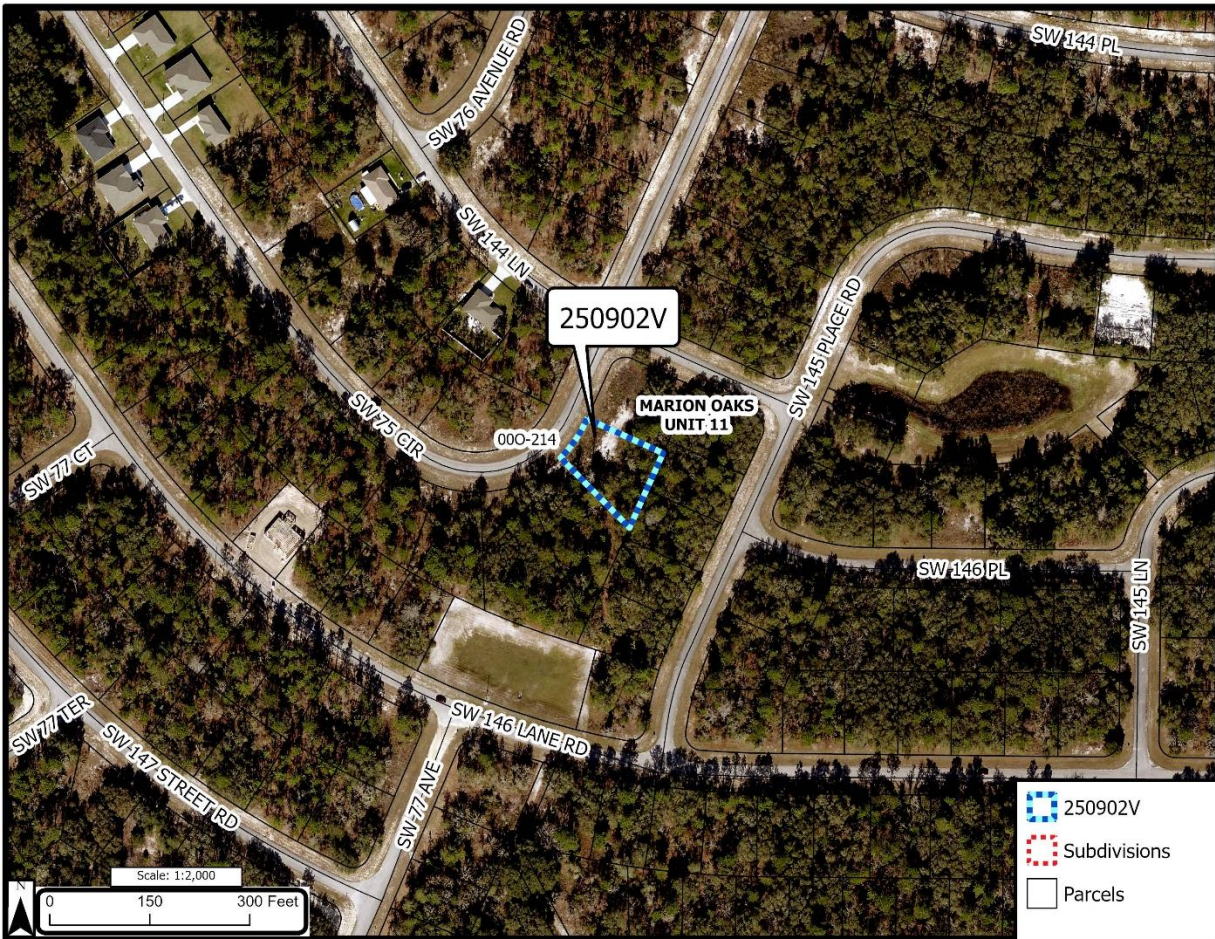
The subject property is  $\pm 0.27$  acres in size and is located within the single-family dwelling (R-1) zoning classification. The property is located within Marion Oaks Unit 11, Block 1350, Lot 36. The property has 94' of frontage along SW 74<sup>th</sup> Cir and is 125' deep. Figure 2, below, shows the property and dimensions as provided by staff. A boundary survey of the property is also provided within the application (see Attachment A).

**FIGURE 2**  
**AERIAL OF PROPERTY**





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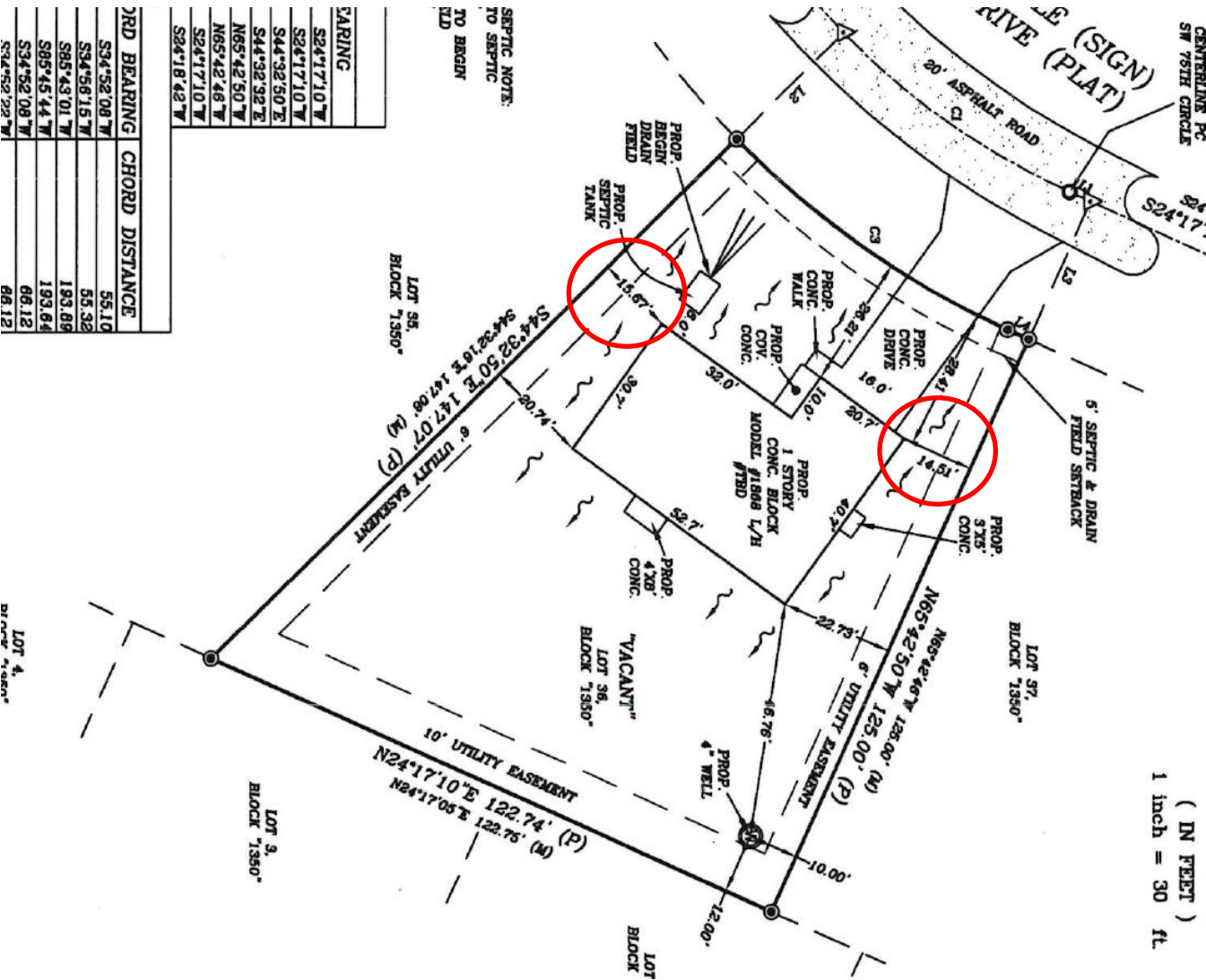


### III. REQUEST STATEMENT

The applicant requests a variance for the reduction of the front side setback from 8' to 4.22' for the southwest front side setback for a constructed single-family dwelling. Setbacks for primary structures in R-1 are 25' from the front and rear property lines and 8' from the side property lines.

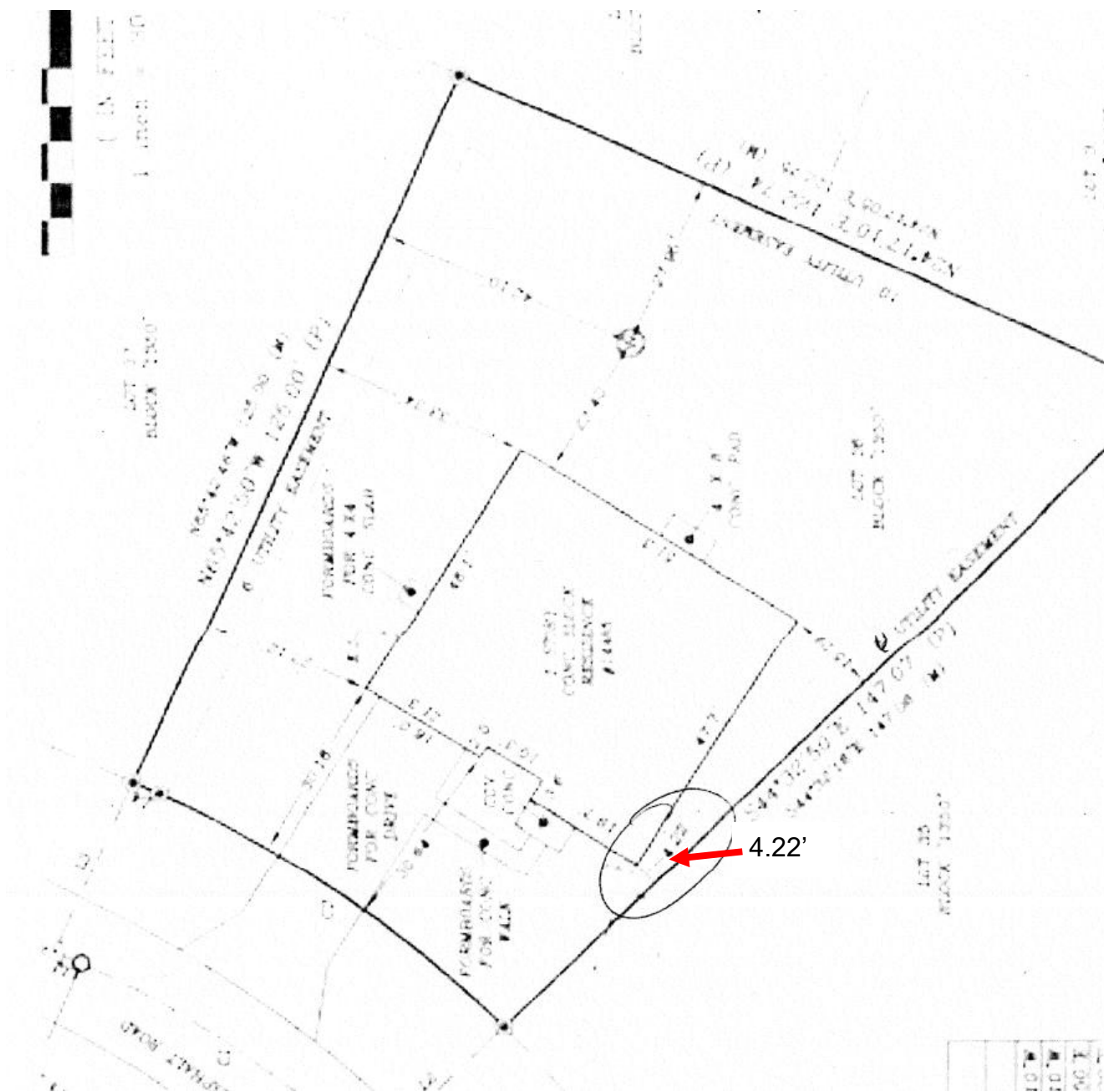
IV. ANALYSIS

FIGURE 3  
APPROVED PERMIT SITE PLAN (MEETS SETBACKS)





**FIGURE 3**  
**AS BUILT SURVEY**



LDC Section 2.9.2.E provides that the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. Marion County Staff analysis of compliance with the six (6) criteria is 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:** The applicant states that while the lot itself offers sufficient buildable area, an unintentional error during construction resulted in the front right corner of the home being placed approximately 4' of the required side setback of 8', four (4) of those feet include a 2' utility easement. This situation is not typical of other properties in the area or of us ever as a home builder, and is unique to this parcel due to the specific unintentional as-built placement of the home.

Staff finds the parcel has ample space available where a single-family residence could be built, or moved, and meet setbacks.

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

**Analysis:** The applicant states that the encroachment was not a result of any intentional action by the applicant, but rather a construction oversight by the builder, which was not discovered until construction was well underway. The applicant is now seeking a variance in good faith to resolve the situation responsibly and in compliance with county requirements.

Staff finds that the site plan included with the permit shows a 15.57' side setback. A surveyor is responsible for providing accurate measurements meeting code requirements.

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 cause unnecessary and undue hardship on the applicant.

**Analysis:** Applicant states that strict enforcement requiring removal of reconstruction of a portion of the home would place a significant financial and practical hardship on the applicant and/or the current buyers of the property. Other properties we have built within the same zoning classification have been developed without issue. And this minor encroachment does not impact the overall intent of the zoning requirements or neighborhood character.

Staff finds that a literal interpretation of the provisions would not deprive the applicant of any rights commonly enjoyed by other properties of similar zoning and use. The property has more than enough room to accommodate the single-family residence and also meet setbacks. If built according to the site plan that was approved by zoning, a variance would not be needed.

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

**Analysis:** The request is limited to the specific portion of the structure that encroaches, and no additional relief is being sought after that. The remainder of the home complies with all required setbacks, making this variance the minimum necessary to allow completion and occupancy of the home as built.

Staff finds that the property has plenty of room for the placement of an average-sized single-family home that meets the required setbacks within this zoning classification. There is no minimum variance needed in this situation, but rather, it is being requested.

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 applicant states this request does not seek to establish special privilege, but rather to resolve a construction error that has already occurred. Approval would simply allow the applicant to finalize the home in a manner consistent with the surrounding community and zoning intent.

Staff finds that granting the variance would confer a special privilege, allowing the house to be closer than the 8-foot setback.

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

**Analysis:** Applicant states that the encroachment is minimal and limited to one corner of the structure. It does not interfere with neighboring properties, infrastructure, or the visual integrity of the area. Granting this variance will allow for a compliant and completed home without adverse impact to the public or the surrounding neighborhood.

Staff finds that if the variance is approved, the house would be closer to the neighboring parcel than other homes within the neighborhood. The neighborhood is sparsely developed, so it is unclear if this would be detrimental to the community.

## V. LIST OF ATTACHMENTS

- A. Application
- B. Sign Posting
- C. Permit Information
- D. Photos
- E. Survey
- F. Sunbiz
- G. Property Card
- H. Deed
- I. Mailer