



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
January 5, 2025
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	251001V
CDP-AR	33033
Type of Case	Variance to reduce front setback from 25' to 10' for an existing pole barn-style carport.
Owner	Joseph and Ellen Metivier
Applicant	Joseph Metivier
Street Address	13310 SW 51 st LN, Ocala
Parcel Number	3495-165-102
Property Size	1.16 acres
Future Land Use	Rural Land (RL)
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Farmland Preservation
Project Planner	Cristina Franco, Zoning Technician I
Related Case(s)	Open Code Case 986287- Carport and electric for gate and garage door without the applicable permits.

I. ITEM SUMMARY

This is a variance request filed by the applicant Joseph Metivier, 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 10' for an existing detached pole barn-style carport. The carport was built without a permit. At the request of the board the owners are proposing to add a walkway to make it an attached carport and will need a setback reduction from 25' to 10'.

FIGURE 1
GENERAL LOCATION MAP



II. PUBLIC NOTICE

Notice of public hearing was mailed to (11) property owners within 300 feet of the subject property on December 19, 2025. A public notice sign was posted on the subject property on December 12, 2025 (Figure 2), and notice of the public hearing was published in the Star-Banner on December 22, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject 1.16-acre lot is located within the recorded subdivision, Rolling Hills Unit 5. The property has a Rural Land 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, a minimum 25' rear setback, and a minimum 8' sides setback.

The 1.16-acre subject property is displayed as Lot 2 E 1/2, Block 165, Plat Book L Page 077 in Rolling Hills Unit 5. The property has 305' depth with 165' width.

Figure 2

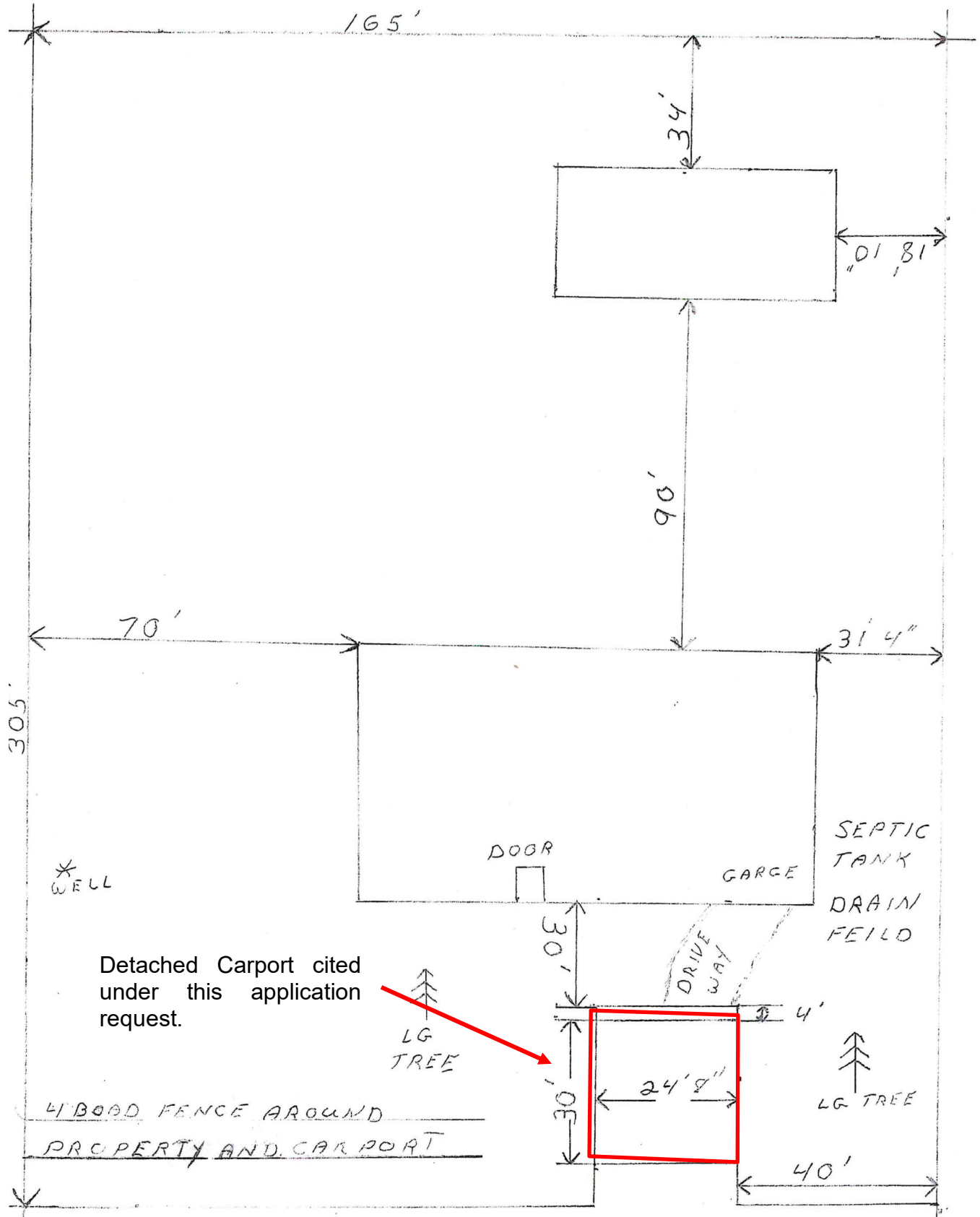


Metivier property

IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 10' for an existing accessory barn-style carport. Consistent with LDC Section 2.9.3.B., on August 26, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

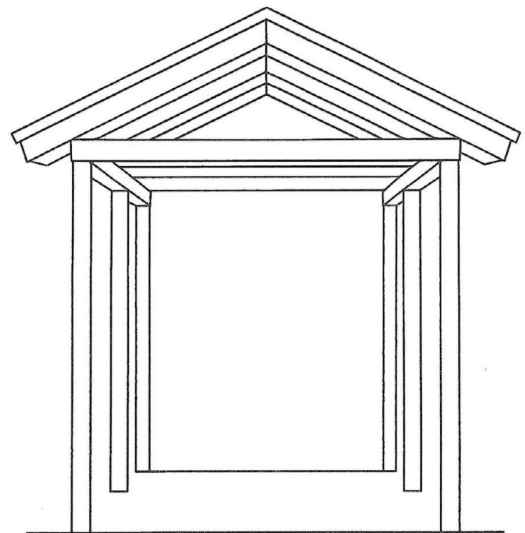
Figure 4
Site Plan



Proposed covered walkway



Proposed 6' wide covered walkway attaching carport to front entry of home.



Proposed concept for timber framed walkway.

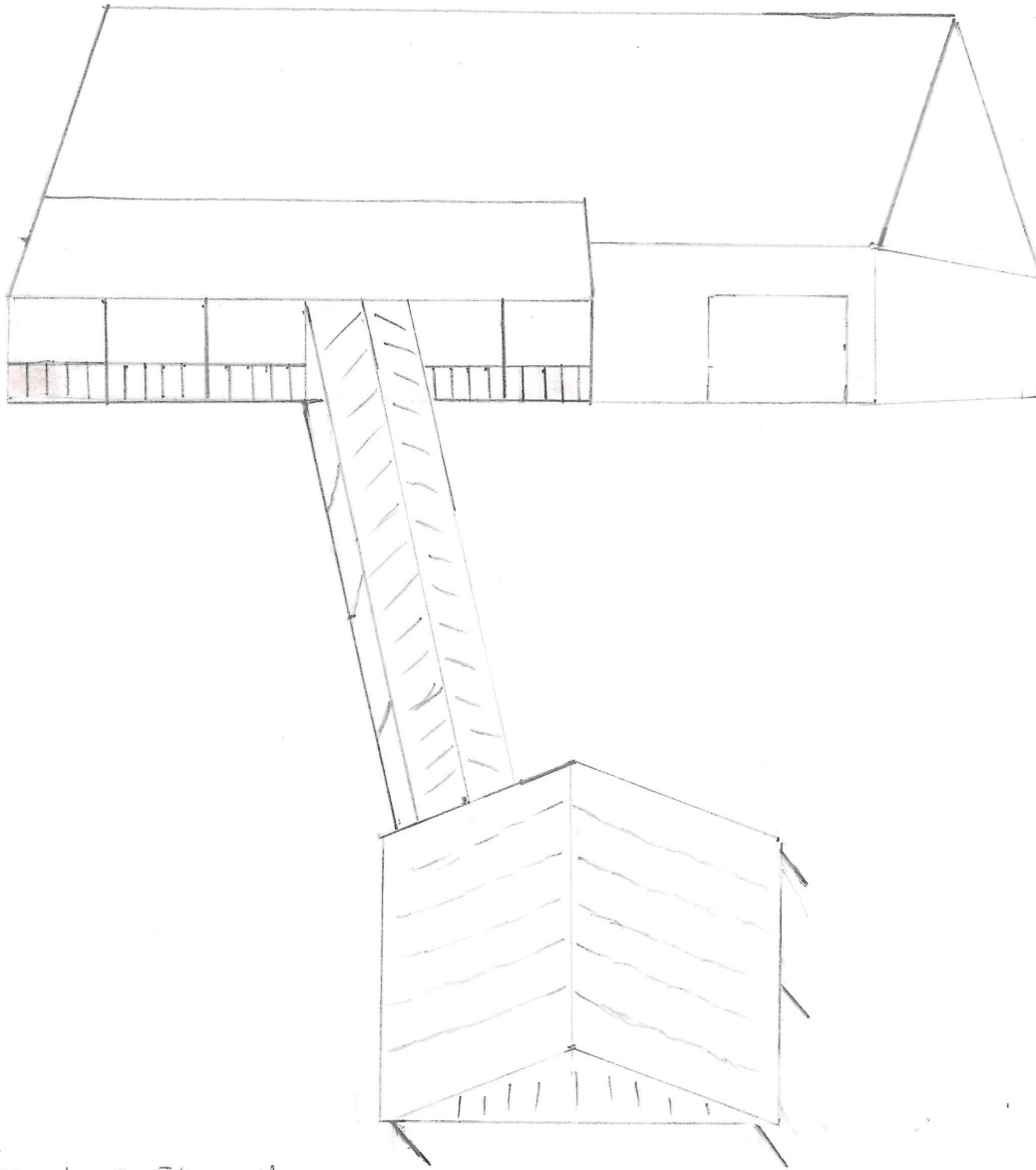


Figure 1 - 1/10 - 1/10

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 requests a reduction of 25' to 10' from a front-line setback in an R-1 (single-family dwelling) zoning classification for the placement of a pole barn-style carport. An existing fence, hedges, an electric light pole, and trees prohibit placement anywhere else. Posts are set in concrete approximately 3 feet deep.

Staff inspected the property to show that this is an accessory structure in the front of the home and if permits would have been applied for, it would have been rejected for being an accessory structure in front of the home. Accessory structures are allowed on R-1 zoning on the side or rear of the property only.

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

Analysis: The applicant states that the existing driveway, fence, hedges, electric light pole, and trees on the property were considered prior to considering the placement of the carport.

Staff finds that if he had 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 need to 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: Applicant states that the granting of this variance would not be irregular to the surrounding neighborhood. This is not and will not adversely affect any property owners.

Staff finds that if the applicable permits 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. The applicant would

have enough space to meet requirements if attached to the home. There is also enough space to meet setbacks on the sides and the rear 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: The applicant states that a reduction of the 25' to 10' from the property front line was the minimum needed to place the carport in its present location.

Staff finds that per the site plan provided, there is enough space on the side and rear of the property for an accessory structure, and would have enough space in the front of the property if the carport were attached to the home to meet the 25' front setback requirement for an attached carport. If homeowners had pulled the necessary permits, zoning would have denied them for the current location and also for not being attached to the house, as accessory structures are not allowed in front of an R-1 zoning classification.

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: True.

Staff finds that granting any variance is a privilege; the structure would not have met the Land development code as an accessory building in the front of the home in the R-1 zoning, which is not permitted and would not have been approved. No other homeowners in the area are allowed to encroach on the front setback.

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

Analysis: True.

Staff finds that if variance is granted, it would not be injurious to the neighborhood.

V. LIST OF ATTACHMENTS

- A. Application – Variance filed by Joseph Metivier, July 1, 2025
- 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