



**Marion County
Board of County Commissioners**

Growth Services

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**PLANNING & ZONING SECTION
STAFF REPORT**

BOA Date	8/3/2026
Case Number	260801V
EPL Number	Z Variance-000773-2026
Type of Case	Variance to reduce side (west) setback from 8' to 4.6' for garage under construction
Owner	Thomas & Kaley Adamson
Applicant	Kent Guinn (o/b/o Douglas Law Firm)
Street Address/Site Location	12474 E Highway 25, Ocklawaha, FL 32179
Parcel Number(s)	49079-000-00
Property Size	±0.75 AC*
Future Land Use	High Residential (HR)
Zoning Classification	Multiple Family Dwelling (R-3)
Overlays Zones/Special Areas	Lake Weir Environmentally Sensitive Overlay Zone (ESOZ), Secondary Springs Protection Zone (SSPZ) & FEMA Flood Zone AE
Project Planner	Jared Rivera-Cayetano
Related Cases	Permit No. BLDR-26-03-07718 – New Garage Addition and Roof Renovation

*Based on provided Boundary & Wetland Delineation Survey, dated March 2026.

I. ITEM SUMMARY

Kent Guin, Director of Government Affairs for Douglas Law Firm, on behalf of Thomas and Kaley Adamson, filed for a variance from Section 4.2 of the Marion County Land Development Code (LDC) to reduce the required side (west) setbacks for a garage currently under construction from eight (8) feet to 4.6 feet on a 0.75-acre property. The subject property is located at 12474 E Highway 25, Ocklawaha, FL. The Parcel Identification Number for the subject property is 49079-000-00. Located within the historic Conner's Revised Subdivision, the legal descriptions are provided within the submitted application/survey (see Attachment A). The variance request is in response to Zoning comments related on Permit No. BLDR-26-03-07718 for a garage addition and roof renovations to an existing single-family residence. The garage had been partially constructed without building permits and the correspondence review of building setbacks. Upon submission of plans, it was determined that minimum side setback requirements of eight (8) feet could not be met.

Figure 1, below, is a general location aerial displaying existing site conditions, while Figure 2 (and Attachment A) provides the submitted site plan for the garage currently under construction, approximately 660 square feet (SF) in size and 270 feet from E Highway 25. The Marion County Land Development Code (LDC) specifically requires accessory structures in Multiple Family Dwelling (R-3) zoning to meet eight (8) foot side and rear setbacks, with the rear side considered to be adjacent to E Highway 25 as a property directly adjacent to Lake Weir. The garage currently under construction is approximately 272.9 feet from E Highway 25 to the north and 4.6 feet from the western property boundary.

Figure 1
General Location Map

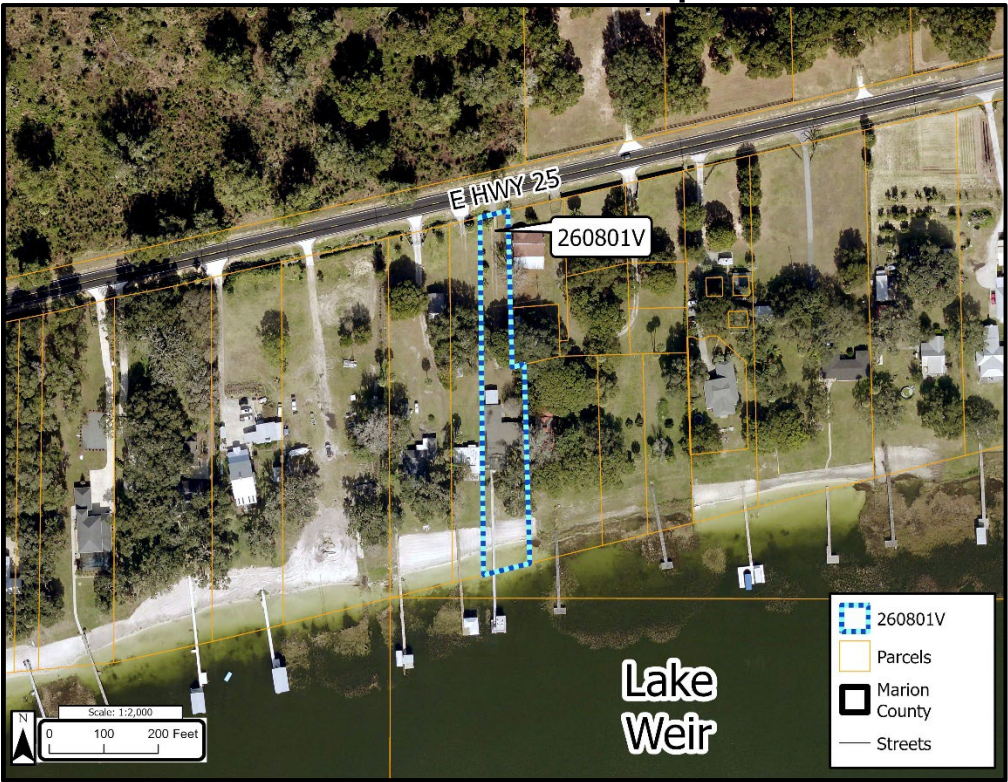
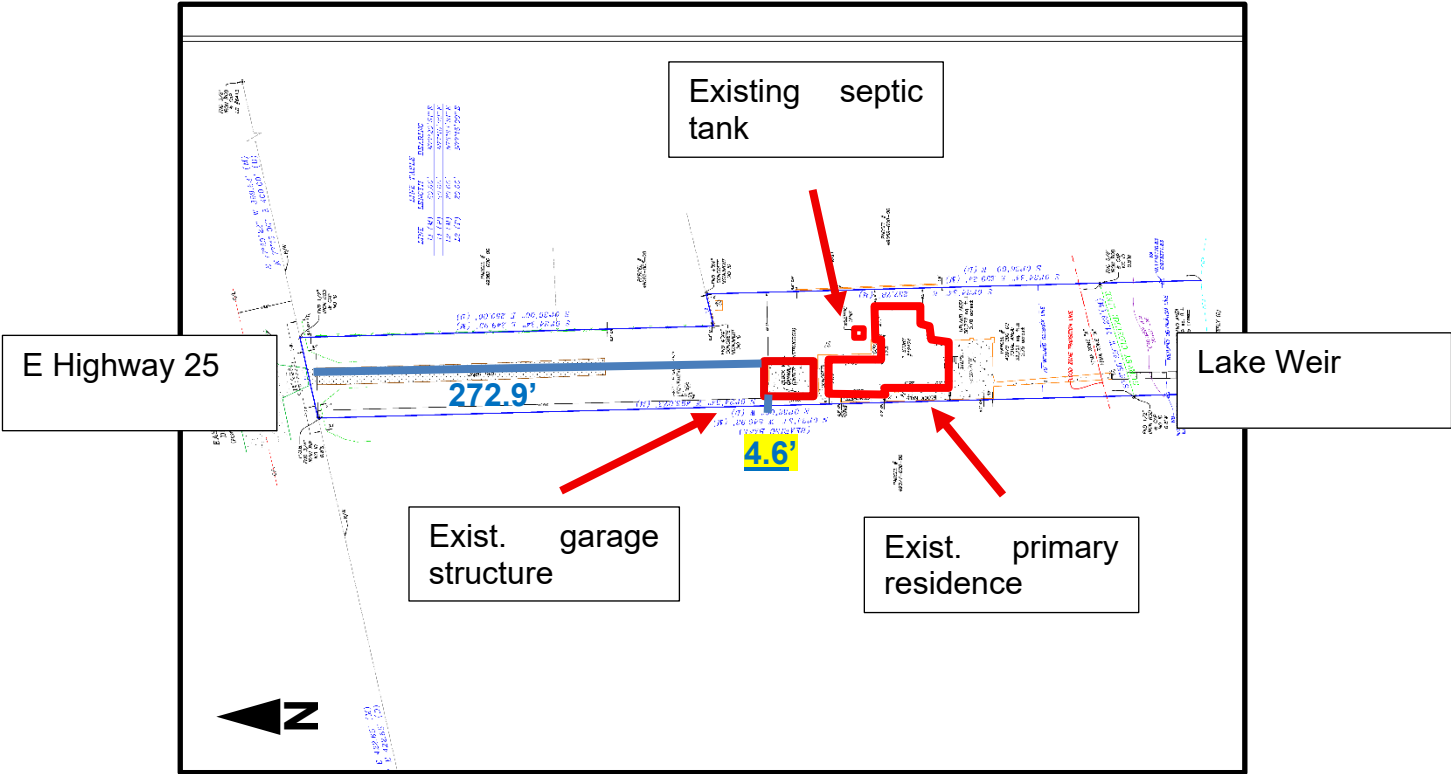


Figure 2
Submitted Site Plan



II. NOTICE OF PUBLIC HEARING

Consistent with Land Development Code (LDC) Section 2.9.3., notice of public hearing was mailed to all property owners (8 owners) within 300 feet of the subject property on July 17, 2026, public notice was posted on the subject property on July 14, 2026, and public notice was published through the Marion County website on July 20, 2026. Evidence of the above-described public notices are on file with the Growth Services Department and is incorporated herein by reference. As of the date of the initial distribution of this staff report, no letters of opposition or support have been received.

III. PROPERTY CHARACTERISTICS

The subject property is approximately 0.75 acres in size, approximately fifty (50) feet wide along E Highway 26 and approximately 69 feet wide towards the center of the property.

The subject property has a Multiple Family Dwelling (R-3) zoning and a High Residential (HR) Future Land Use (FLU) designation. The site is located outside the Urban Growth Boundary (UGB) and within the Secondary Springs Protection Zone (SSPZ). The subject property is directly adjacent to Lake Weir and is thus within the Lake Weir Environmentally Sensitive Overlay Zone (ESOZ). The subject property is located within the historic Conner's Revised subdivision. Consistent with LDC Section 2.9.3.B., a site visit was conducted by Growth Services Department staff on July 14, 2026.

Staff found that the subject property currently contains one (1) primary single-family residence, more than 300 feet from E Highway 25. A 660 SF garage addition (approximately 22 feet in width) is almost complete and is located in front of the single-family residence, approximately 270 feet from E Highway 25. The garage is specifically located in front of a kids room that projects from the main residential structure.

The property is delineated with a decorative three-board fence. Staff observed a small asphalt apron into the subject property, with the remaining driveway toward the residence currently unpaved. The yard immediately to the east of the partially-completed garage was observed to be relatively clear. A well was observed approximately forty (40) feet to the northeast of the garage. Staff was not able to confirm the exact location of a septic tank and drainfield; however, the submitted site plan indicates a septic tank to the east of the kids room/walkway to the rear of the garage. Staff observed an enclosed patio to the rear of the residence. A wooden pier extends from the wooden deck into dock building on Lake Weir waters. Several trees were observed across the waterfront yard.

In general, nearby properties along E Highway 25 are also characterized by waterfront single-family residences. Site photos are attached to this report (see Attachment B).

According to the Marion County Property Appraiser (MCPA), the primary single-family residence was constructed in 1958. A garage is currently under construction in the same location as a previous carport/concrete base. The carport structure had existed on-site since at least 1994 according to historic aerial maps online. Given their date of construction, the existing single-family residence, the former carport, and their respective

setbacks may be considered legal non-conforming. Staff notes that the legal non-conforming status does not extend to a new garage, hence the need for a variance.

IV. REQUEST STATEMENT

The waterfront side is considered the front of the subject property for setback and accessory structure placement purposes. LDC Section 4.2.6 requires that accessory structures in residentially-zoned properties be located in the rear or side yards (i.e. towards the front of the single-family residence). The applicant requests a variance from LDC Section 4.2 to reduce the side (west) setback from eight (8) feet to 4.6 feet for a garage under construction.

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 six (6) criteria. Staff's analysis of compliance with those criteria are provided below.

- A. *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, "The subject property contains several unique physical limitations that significantly respect the placement of a proposed garage addition. A currently existing two-vehicle carport occupies the only practical buildable area for the proposed structure. The rear of the property borders Lake Weir, preventing construction in that direction. In addition, an existing drain field is located adjacent to the current carport area. The narrowing configuration of the lot toward County Road 25 further limits placement options and restricts safe and functional homeowner access. These combined site-specific conditions are unique to this property and are not generally applicable to other similarly zoned properties in the area. Requesting a reduction from an existing under construction garage setback from 8 ft to 4.6 ft on the west side back."

The subject property is approximately 69 feet wide towards the center of the property where the garage/single-family residence is located. The garage is approximately 22 feet in width and is located approximately 270 feet from E Highway 25. The yard immediately to the north and east of the partially-completed garage was observed to be relatively clear above ground. Staff was not able to confirm the location of a septic tank and drainfield; however, the submitted site plan indicates a septic tank to the east of the kids room/walkway, to the rear of the garage.

Staff notes that, if this variance request is not granted, the subject property owner will need to either move or demolish the partially-constructed garage. Staff notes that the yard immediately to the northeast of the garage is vacant above ground and, if required to be moved or demolished, could potentially be developed with a

garage meeting minimum rear and side setback requirements, as the parcel is approximately 69 feet in width.

- B. The special conditions and circumstances do not result from the actions of the applicant.*

Analysis: The applicant states, “The conditions creating the need for the variance are pre-existing characteristics of the property, including the location of Lake Weir, the lot configuration, and the placement of the septic system and drain field. These circumstances were not created by the applicant and are beyond the applicant’s control.”

Staff have been provided a deed for the current subject property owner(s), Thomas and Kaley Adamson dated to 2020. Construction work on a garage structure and roof renovations began in 2026 without the building contractor filing for a building permit as required by County code. The garage is located on the site of a pre-existing carport/concrete base, which had existed since at least 1994 according to historic aerial maps online. Staff notes that the potential legal non-conforming status of the previous carport does not extend to a new garage. After submitting plans for the garage under construction, it was determined that the partially-completed structure did not meet minimum side setback standards of eight (8) feet.

- C. 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: The applicant states, “Strict application of the setback regulations would effectively prevent the construction of a reasonable garage addition on the property. Due to the combined constraints of the lake frontage, septic system, drainfield, and narrowing lot dimensions, there is no alternative location that would accommodate the structure while maintaining practical access to the residence. Denial of the variance would deprive the applicant of the reasonable use and enjoyment commonly afforded to similarly zoned residential properties that are able to maintain enclosed vehicle storage and related improvements.”

The R-3 zoning classification allows for the subject property to be developed with a single-family residence and any associated accessory structure as long as minimum rear and side setback requirements could be met. Staff was not able to confirm the exact location of a septic tank and drainfield; however, the submitted site plan indicates a septic tank to the east of the kids room/walkway.

Furthermore, in the case of residentially-zoned properties less than one (1) acre in size, Staff notes that LDC Section 4.3.27 does provide setback exemptions for accessory structures less than 144 square feet, on properties where streets or right-of-way are not adjacent to rear or side property lines, and when a non-objection letter from the affected property owner is provided. Smaller accessory

storage structures may therefore be placed on-site without meeting minimum side or rear setback requirements.

Staff notes that the yard immediately to the northeast of the garage is vacant above ground and could potentially be developed with a conforming accessory structure(s) if the existing structure were required to be moved/demolished. As such, this variance may be irregular.

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

Analysis: The applicant states, "Structure Placement: Construct garage that will be 4.6ft from west side boundary and following the same size specifications as the existing concrete slab."

The requested variance represents the minimum relief necessary to allow for the reasonable construction and use of the proposed garage addition. The applicant has considered the physical limitations of the site and designed the proposed location to avoid encroachment into Lake Weir, interference with the drain field, and obstruction of access from County Road 25. No smaller variance would permit the intended reasonable use of the property."

Staff notes the garage is almost completed and is located on the site of a pre-existing carport/concrete base, which had existed since at least 1994 and did not meet minimum setback requirements. The garage had been constructed without permits, before a formal permit was submitted for review and County comments related to minimum side setback requirements were received by the building contractor. The requested variance represents the setbacks currently provided by the almost-complete garage.

Staff was not able to confirm the location of a septic tank and drainfield; however, the submitted site plan indicates a septic tank to the east of the kids room/walkway. The yard immediately to the east of the partially-completed garage is vacant above ground and could potentially be developed with a conforming accessory structure(s), including potential smaller storage sheds exempt from minimum side or rear setback requirements, if the existing structure is required to be moved or demolished.

- E. 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, "Granting the requested variance would not provide the applicant with any special privilege unavailable to other similarly situated properties. The variance request is solely intended to accommodate the unique physical constraints of the property and to allow a reasonable residential improvement consistent with the surrounding area and neighborhood character."

Staff notes the garage is located on the site of a pre-existing carport/concrete base, which had existed since at least 1994 and did not meet minimum setback requirements. Given their date of construction, the existing single-family residence, the former carport, and their respective setbacks may be considered legal non-conforming. Staff notes that the legal non-conforming status does not extend to a new garage. The garage would be partially constructed without building permits and its corresponding review of building setbacks. The subject property owner is therefore requesting a variance from side setback requirements to allow the almost-complete garage to remain on-site. Staff notes that the yard immediately to the northeast of the garage is vacant above ground and could potentially be developed with a conforming accessory structure(s) if the existing garage were required to be moved/demolished.

Staff finds that granting the variance is a privilege, with each variance intended to be based on its own special circumstances. Regardless of whether the Board grants or does not grant this variance request, the decision should not create a precedence for the surrounding area or other cases related to side setback variance requests.

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

Analysis: The applicant states, “The proposed garage addition will not adversely affect neighboring properties, public safety, or the general welfare of the community. The addition is residential in nature, compatible with surrounding properties, and intended to improve the functionality and appearance of the existing residence. The variance will not create increased traffic, drainage issues, or other negative impacts to the neighborhood or surrounding environment.”

Staff notes that upon the time that impervious surface coverage is equal to, or exceeds, 9,000 square feet (SF) or 35% of the lot area, the subject property owner will need submit a Major Site Plan and/or undergo stormwater compliance processes.

Notwithstanding minimum setback requirements, a garage addition is an accessory use typical for a single-family residence in an area generally characterized by residential uses. Staff has therefore determined this request would not be injurious to the neighborhood or detrimental to the public welfare.

VI. BOARD OF ADJUSTMENTS ACTION

To be determined. Scheduled for August 3, 2026 at 2:00 PM.

VII. LIST OF ATTACHMENTS

- A. Application Package
- B. Site Photos
- C. LDC Article 4, Residential Accessory Structure Standards

- D. Permit No. BLDR-26-03-07718
- E. Historic Property Appraiser Map 294B-3
- F. Conner's Revised subdivision (A-187)