



**Marion County
Board of County Commissioners**

Growth Services

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**ZONING SECTION STAFF REPORT
November 3rd , 2025
BOARD OF ADJUSTMENT PUBLIC HEARING**

Case Number	251101V
CDP-AR	33192
Type of Case	Variance to reduce front setback from 25' to 14.5 for an existing permitted carport in a Single-Family Dwelling (r-1) zone.
Owner	Kelly and JoAnn Roller
Applicant	Kelly Roller
Street Address	10247 SW 41 st Ave, Ocala
Parcel Number	3578-023-024
Property Size	.45 acres
Future Land Use	Medium Density Residential
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Urban Growth Boundary
Project Planner	Cristina Franco, Zoning Technician I
Related Case(s)	Open Code Case 989238- Accessory structure does not meet front setbacks.

I. ITEM SUMMARY

This is a variance request filed by the applicant Kelly Roller 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 a front setback reduction from the required 25' to 14.5' for an existing attached carport. The carport was built and permitted (permit number 20150314860) in 2015. Attached carports must meet the 25' front setback required for R-1 zoning.

**FIGURE 1
GENERAL LOCATION MAP**



II. PUBLIC NOTICE

Notice of public hearing was mailed to (28) property owners within 300 feet of the subject property on October 17, 2025. A public notice sign was posted on the subject property on October 8, 2025 (Figure 2) and the notice of the public hearing was published in the Star-Banner on October 20, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject .45-acre lot is located within the recorded subdivision, Ocala Waterway Estates. The property has a Medium Residential 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, minimum 25' rear setback, and minimum 8' sides setback.

The .45-acre subject property is displayed as Lot 24, Block 23, Plat Book K Page 052 in Ocala Waterway Estates. The property has 200' depth with 100' width.

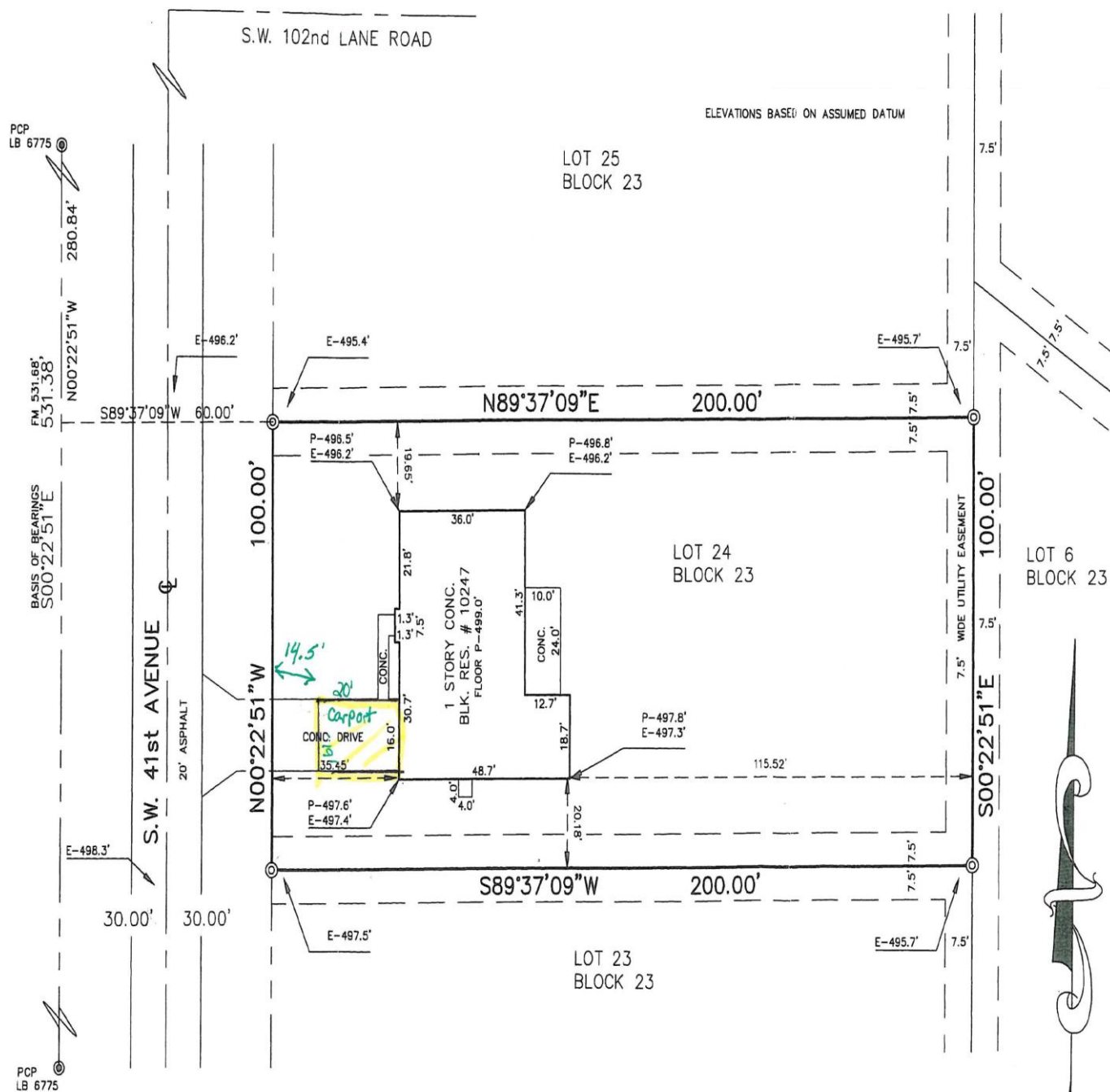
Figure 2
Roller Property



IV. REQUEST STATEMENT

This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 14.5 for an existing 19'x20' attached carport. Consistent with LDC Section 2.9.3.B., on October 8th, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

Figure 4 Site Plan



SURVEYOR'S NOTES

1.) Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
2.) There may be other improvements not pertinent to this survey that were not located by this survey and are not depicted on this drawing.
3.) This survey is based on legal description, record plat or other information furnished to this company and no other research of title was done, unless requested.
4.) This survey depicts only visible improvements and may not show any underground improvements or encroachments that may exist.
5.) This survey is certified only to those parties whose names appear on this drawing, no other persons or entities shall rely on this survey without the written permission of this company.
6.) This survey does not reflect or determine ownership.

PLAT

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 states they are requesting a reduction to the front 25' setback to 14.5' for an existing 19' x 20' attached carport. Carport was permitted in 2015 permit number 2015031486.

Staff inspected the property to measure the front setback request and concur with the above 14.5' setback request of the applicant. The site plan provided with the original Building permit 2015031486 which was approved by zoning on 05/08/15 with a setback of 20'.

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

Analysis: The applicant states the carport has been there since 2015. Inspection was done by Ronald Forte and approved. Since the violation was not our fault, we feel we shouldn't have to pay the variance.

Staff find that permit was pulled and approved by the zoning department in 2015. The contractor Sauer and Sons provided a site plan with incorrect setback information.

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 granting of the variance wouldn't change anything. The carport hasn't been a hazard and is not in anyone's way. The carport protects our vehicle paint job and is very helpful when it is raining outside when unloading groceries to the house.

Staff finds that if contractor had put the correct setbacks at the time of the permitting submittal zoning would have denied the permit for not meeting the setback minimums.

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

Analysis: Applicant states that if variance is granted the carport will stay the same and cause no problems like it has been for the past 10 years.

Staff confirms the applicants' request is the minimum variance to allow reasonable use of the land for the detached carport in this location.

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: Applicant states this is true.

Staff find that granting any variance is a privilege, but this carport has been permitted for 10 years.

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

Analysis: Applicant states this is true.

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

V. LIST OF ATTACHMENTS

- A. Application
- B. Site Plan
- C. Marion County Property Appraiser Property Record Card
- D. Warranty Deed
- E. Original site plan for permit 2015031486
- F. Notice of violation for code case 989238