



Ocala Board of Adjustment Agenda - Final Monday, September 15, 2025

Meeting Information

Location

Ocala City Hall
110 SE Watula Avenue
Second Floor - Council Chambers
Ocala, Florida

<https://www.ocalafl.gov/meetings>

Time

5:30 PM

Board Members:

George Carrasco
James Hartley, Chairperson
Rusty Juergens
Dustin Magamoll, Vice-Chairperson
Brent Malever

Staff:

Jeff Shrum, AICP
Director
Growth Management Department

Aubrey Hale
Planning Director
Growth Management Department

Endira Madraveren
Chief Planning Official
Staff Liaison

Gabriela Solano
Committee Secretary

WELCOME!

We are very glad you have joined us for today's meeting. The Zoning Board of Adjustment (BOA) is a quasi-judicial board that meets once a month to hear and decide only such special exceptions, variance, and appeals of the building official, as the BOA is specifically authorized to pass upon by the terms of the code and shall decide such questions as are involved in determining whether special exceptions should be granted. It shall grant approvals with such conditions and safeguards as are appropriate under the code and shall deny when not in harmony with the purpose, intent and requirements of the code.

GENERAL RULES OF ORDER

The BOA is pleased to hear all non-repetitive comments. If you wish to appear before the BOA, please fill out an Appearance Request/Lobbyist Registration Form and give it to the BOA Recording Secretary. When the Chairman recognizes you, state your name and address and speak directly into the microphone. Persons with disabilities needing assistance to participate in any of these proceedings should contact the BOA Recording Secretary at (352) 629-8404 at least 48 hours in advance of the meeting.

APPEALS

Appeals from decisions of the BOA shall be to the Marion County Circuit Court. Any person or any board, taxpayer, department or bureau of the City aggrieved by any decision of the BOA may seek review by a court of record of such decisions in the manner provided by law. Please be advised that if any person wishes to appeal any decision made by the BOA with respect to any material considered at the above meeting, they will need a record of the proceedings, and that, for such purpose, they may need to ensure a verbatim record of the proceeding is made.

1. Call To Order

- a. Pledge
- b. Roll Call for Determination of a Quorum

2. Proof of Publication

It was acknowledged that a Public Meeting Notice was posted at City Hall (110 Se Watula Avenue, Ocala, Florida 34471) and published in the Ocala Gazette on August 29, 2025.

- a. [Ocala Gazette Ad](#)

Attachments: [BOA Draft Ad PROOF 09152025](#)

3. Approval of Minutes

- a. [December 16, 2024, Meeting Minutes](#)

Attachments: [December 16, 2024 Meeting Minutes.pdf](#)

- b. [April 21, 2025, Meeting minutes](#)

Attachments: [April 21, 2025 Meeting Minutes.pdf](#)

4. Special Exception

- a. [Freewill Baptist Church / SE25-0005](#)

Applicant: Myron Loss, Encouragement Ministries Corp.

Planner: Emily W. Johnson (352-629-8313)

ewjohnson@ocalafl.gov

A request for a special exception to allow a 100-foot-tall telecommunications tower in the R-1A, Single-Family Residential District, for property located at 2206 NE 24th Street (PID 24569-001-00).

Recommended Action: Denial

Attachments: [SE25-0005 Staff Report](#)
[SE25-0005 Case Map](#)
[SE25-0005 Aerial Map](#)
[Concept Plan](#)
[Letter to BOA](#)
[American Tower Confirmation & FCC Permit](#)

5. Variance

a. [Briggs/ VAR25-0005](#)

Petitioner: Robert & Nadia Briggs
Planner: Breah Miller (352.629.8341)
bmiller@ocalafl.gov

A Variance request to reduce the street side yard setback from 25 feet to 18.3 feet
and to reduce the rear yard setback from 25 feet to 3 feet

Recommended Action: Approval

Attachments: [VAR25-0005 Staff Report](#)
 [VAR25-0005 Case Map](#)
 [VAR25-0005 Aerial Map](#)
 [VAR25-0005 Site Plan](#)
 [VAR25-0005 Elevations](#)
 [VAR25-0005 Application](#)
 [VAR25-0005 OHPAB Approval](#)

6. Public Comments
7. Staff Comments
8. Board Comments
9. Next Meeting: October 20, 2025
10. Adjournment



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-2033

Agenda Item #: a.

Submitted By: JaNiece Lucky

Department: Growth Management

FORMAL TITLE:

Ocala Gazette Ad

OCALA'S RELEVANT STRATEGIC GOALS:

Operational Excellence

PROOF OF PUBLICATION:

August 29, 2025

BACKGROUND:

N/A



NOTICE OF PUBLIC HEARING OCALA BOARD OF ADJUSTMENT

The Ocala Board of Adjustment will consider the following petition at its meeting on **Monday, September 15, 2025, commencing at 5:30 pm, in the City Council Chambers located on the Second Floor of City Hall at 110 SE Watula Avenue.** The meeting may be viewed live by selecting it at <https://www.ocalafl.gov/meetings>.

NORTHEAST

Petitioner: Nadia Briggs Case: VAR25-0005; A request to reduce side yard setbacks from 25ft to 18.5ft and rear setbacks from 25ft to 3ft for an attached garage in R-1, Single-Family Residential, for property located at 1244 SE 7th Street (Parcel 2836-005-001); approximately 0.37 acres.

Petitioner: First Free Will Baptist Church of Ocala, Inc; Agent: Myron Loss Case: SE25-0005; A request to install a 100ft Rohn tower with an antenna in R-1A, Single-Family Residential, for property located at 2210 NE 24th Street (Parcel 24569-001-00); approximately 3.03 acres.

JEFF SHRUM, AICP
DIRECTOR, GROWTH MANAGEMENT DEPARTMENT

The agenda and material related to items on each agenda will be available in advance online at www.ocalafl.gov.

Interested parties may appear at the meeting and be heard regarding their opinion of the proposed cases. Copies of the proposed cases are available and may be reviewed at the Growth Management Department, 201 SE 3rd Street, Second Floor, Ocala, telephone (352) 629-8404, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

If reasonable accommodations are needed for you to participate in this meeting, contact the Growth Management Department at (352) 629-8404, 48 hours in advance, so those arrangements can be made.

Any person who decides to appeal any decision of the Ocala Board of Adjustment with respect to any matter considered at this meeting, **5** will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings is made.



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-2054

Agenda Item #: a.

Submitted By: Endira Madraveren

Department: Growth Management

FORMAL TITLE:

December 16, 2024, Meeting Minutes



Ocala

Board of Adjustment

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Monday, December 16, 2024

5:30 PM

1. Call To Order

- a. Pledge
- b. Roll Call

Present: Chairman James Hartley
Vice Chair Dustin Magamoll
Rusty Juergens
Brent Malever
Brent Malever

Absent: George Carrasco Jr.

2. Proof of Publication

It was acknowledged that a Public Meeting Notice was posted at City Hall (110 SE Watula Avenue, Ocala, Florida 34471) and published in the Ocala Gazette on November 29, 2024.

a.

Attachments: [12162024 BOA Ad Proof](#)

3. Approval of Minutes

a.

Attachments: [October 28, 2024 Meeting Minutes.pdf](#)

RESULT: APPROVED

MOVER: Rusty Juergens

SECONDER: Brent Malever

AYE: Chairman Hartley, Vice Chair Magamoll, Juergens and Malever

ABSENT: Carrasco

4. Special Exception

a.

Attachments: [SE34-0002 Bethel Church-Staff Report](#)
 [SE24-0002 Greater New Bethel Aerial Map](#)
 [SE24-0002 Greater New Bethel Case Map](#)
 [2024-11 New Bethel Church - Site Layout](#)
 [23-120-Survey Bethel](#)
 [SE22-45033 Approval Letter](#)
 [SE22-45033 Aerial Map](#)
 [SE22-45033 Property Survey](#)
 [SE22-45033 Preliminary Site Plan](#)

Planner II Kristina Wright displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SE24-0002.

Tanya Hanks, 9668 SW 52nd Court, Ocala, FL, said they need the space for tutoring children and feeding the homeless.

Motion to approve SE24-0002 a special exception to allow a church/place of worship in the R-2, Two-family Residential zoning district.

RESULT: APPROVED

MOVER: Brent Malever

SECONDER: Dustin Magamoll

AYE: Chairman Hartley, Vice Chair Magamoll, Juergens and Malever

ABSENT: Carrasco

5. Public Comment

None.

6. Staff Comment

a. Board Member Training

Growth Management Director, Jeff Shrum reviewed the plans and codes, advisory boards, staff reports, Legislative and Quasi Judicial Hearing procedures.

City Attorney, William Sexton reviewed the meeting procedures, Ex Parte Communications, Conflict of Interest and Sunshine Law procedures.

Mr. Hartley asked if code required a roll call vote for all the decisions. Mr. Sexton replied he did not know if it was required by code, but City Council does it. Mr. Shrum said some Boards are voice vote and some are roll call vote, but he will look into the code if a roll call vote is required.

Mr. Hartley asked if an item can be discussed after it has been decided or wait for the appeal period. Mr. Sexton replied the best practice would be to wait for the appeal period is over.

Mr. Juergens asked if it would be a conflict of interest to have a business client in front of the

board. Mr. Sexton replied he would have to get more details of the client relationship. Mr. Shrum said the Board can reach out to staff or the City Attorney if they have questions.

7. Board Comment

Mr. Malever said the Board should not talk to people outside of the meeting until after the motion is made in the City Council Meeting.

8. Next Meeting: February 17, 2025

9. Adjournment

The meeting adjourned at 6:43 pm.



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-2056

Agenda Item #: b.

Submitted By: Endira Madraveren

Department: Growth Management

FORMAL TITLE:

April 21, 2025, Meeting minutes



Ocala

Board of Adjustment

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Monday, April 21, 2025

5:30 PM

1. Call To Order

Present: Chairman James Hartley
Vice Chair Dustin Magamoll
Rusty Juergens
Brent Malever

Excused: George Carrasco Jr.

- a. Pledge
- b. Roll Call for Determination of a Quorum

Present: Chairman James Hartley
Vice Chair Dustin Magamoll
Rusty Juergens
Brent Malever

Excused: George Carrasco Jr.

2. Proof of Publication

It was acknowledged that a Public Meeting Notice was posted at City Hall (110 SE Watula Avenue, Ocala, Florida 34471) and published in the Ocala Gazette on April 4, 2025

a.

Attachments: [Ad Proof BOA 04212025](#)

Approval of Minutes

a.

Attachments: [November 18, 2024 Meeting Minutes.pdf](#)

RESULT: APPROVED

MOVER: Brent Malever

SECONDER: Rusty Juergens

AYE: Chairman Hartley, Vice Chair Magamoll, Juergens and Malever

EXCUSED: Carrasco

4. Special Exception

- a. **Kalasa Holding LLC / SE25-0001**

Attachments: [SE25-0001 Staff Report](#)
[SE25-0001 Conceptual Floor Plan](#)
[SPL15-0024 Site Plan](#)

Senior Planner Emily Johnson displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SE25-0001.

Sean Plunkett, 2538 SE 14th Street, Ocala said he is going to have indoor pickle ball courts and no additional infrastructure is involved.

Mr. Hartley asked if the recreation center will have a membership. Mr. Plunkett replied it will be open to the public and will offer memberships.

Mr. Juergens asked if he had plans to put in a fifth court. Mr. Plunkett responded there is room to put another court, but does not want to spend more money.

Mr. Hartley said he just wanted to make sure the owner has an understanding that special events shall not be held onsite. Ms. Johnson explained that the reason for the condition is to alleviate an outdoor event or large competition.

Mr. Magammoll said his concern is if the space is leased and 100 people show up. Ms. Johnson replied they cannot have spectator seating and the occupancy was not addressed as part of the application.

Mr. Hartley asked if the special exception can be revoked if one of the conditions is violated. Jeff Shrum, Growth Management Director responded that staff would be working with the applicant to figure out what constitutes a special event. The conditions on the approvals will need to be clearer and understandable.

Mr. Plunkett said there would be no turn over and would not be breaking the rules.

Motion to approve SE25-0001 a Special Exception to allow for a recreation facility, indoor use in the M-2, Medium Industrial, zoning district.

RESULT: APPROVED

MOVER: Rusty Juergens

SECONDER: Dustin Magamoll

AYE: Chairman Hartley, Vice Chair Magamoll, Juergens and Malever

EXCUSED: Carrasco

5. Public Comments

None.

6. Staff Comment

None.

7. Board Comment

None.

8. Next Meeting: May 19, 2025

No meeting for May 19, 2025.

9. Adjournment

The meeting adjourned at 5:53 pm.



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-2015

Agenda Item #: a.

Freewill Baptist Church / SE25-0005

Applicant: Myron Loss, Encouragement Ministries Corp.

Planner: Emily W. Johnson (352-629-8313)

ewjohnson@ocalafl.gov

A request for a special exception to allow a 100-foot-tall telecommunications tower in the R-1A, Single-Family Residential District, for property located at 2206 NE 24th Street (PID 24569-001-00).

Recommended Action: Denial



Staff Report

SE25-0005

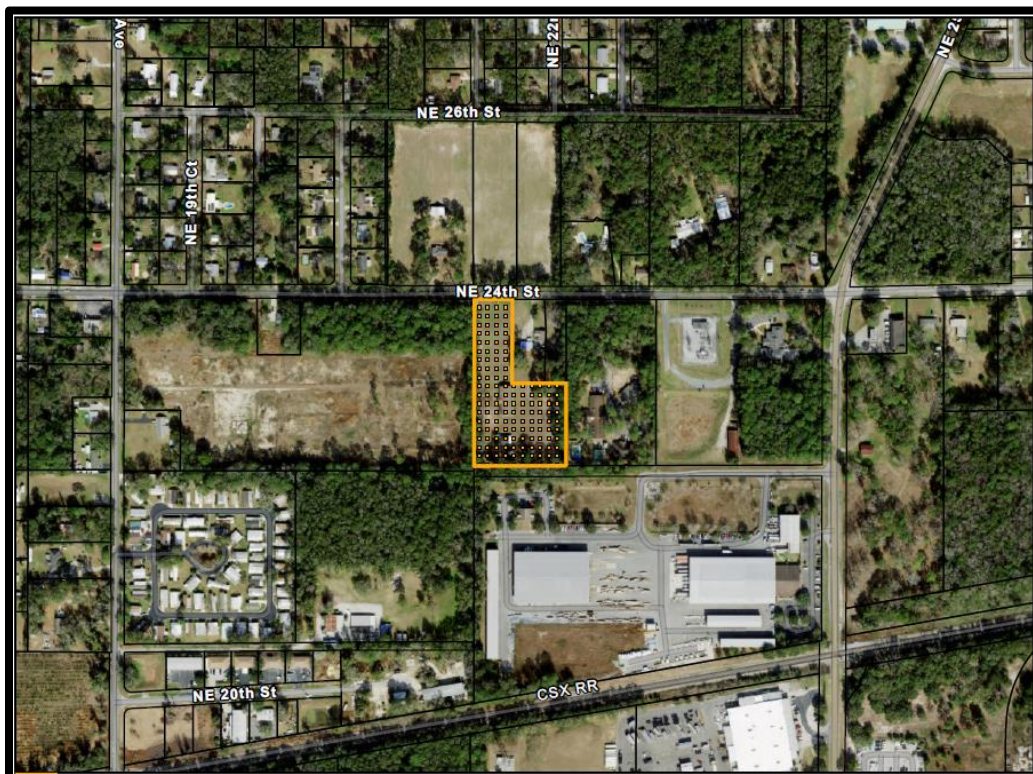
Board of Adjustment: September 15, 2025

Applicant: Myron Loss, Encouragement Ministries Corp.
Property Owner: Freewill Baptist Church
Project Planner: Emily W. Johnson, AICP, Senior Planner
Applicant Request: Special Exception to allow a 100-foot-tall telecommunications tower in the R-1A, Single-Family Residential District.

Parcel Information

Acres: ± 3.03 acres
Parcel(s) #: 24569-001-00
Location: 2210 NE 24th Street
Existing use: Church/place of worship and single-family residence
Future Land Use: Neighborhood
Zoning Designation: R-1A, Single-Family Residential
Special District(s)/Plans(s): N/A
Overlay(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Neighborhood	R-1A, Single Family District	Single-family residence, undeveloped residential adjacent to NE 24 th Street
East	Neighborhood	R-1A, Single Family District	Single-family residence
South	Employment Center	M-3, Heavy Industrial	Manufacturing and warehouse (Manning Building Supply/Truss Plant)
West	Neighborhood	R-1, Single Family District	Single family residences of Hilltop Manor

Applicant Request

The Applicant is requesting a special exception to allow a 100-foot-tall telecommunications tower in the R-1A, Single-Family Residential District.

Background

The subject property, identified by Parcel Identification Number 24569-001-00, was annexed in 1964. Marion County Property Appraiser's records indicate that the existing single-family residence was constructed in 1960, and the church/place of worship building was constructed in 1972. A special exception has not been approved for the church/place of worship, which has existed as a nonconforming use on this property since the early 1970s.

The Applicant operates an existing radio station broadcasting from the subject property utilizing an existing 40-foot tower, as an accessory use to the existing nonconforming church/place of worship. Telecommunications towers measuring less than 50-feet in height are exempt from permitting requirements, pursuant to Code of Ordinances Subsection 122-1054(c).

Staff Analysis

Section 122-1041 establishes the purpose and intent of Article VII, which regulates Telecommunications within the City of Ocala. This article regulates the placement, construction, and modification of towers and antennas in any part of the City in order to protect the health, safety, and welfare of the public, while at the same time not prohibiting the provision of wireless telecommunications services or unreasonably interfering with the development of the competitive telecommunications business.

This request does not meet the location requirements outlined under Section 122-1043, which only permits telecommunications towers to be located in residential zoning districts when there are no towers within one-half mile radius available for co-location.

Pursuant to Code of Ordinances Section 122-1043, new telecommunications towers are permitted as a principal or accessory use within residential zoning districts only upon receipt of a special exception from the board of adjustment, and upon meeting the following requirements:

- a. There are no available sites in non-residential zoning districts, or available towers or antenna support structures, within a one-half mile radius of the proposed tower; and
- b. Denying a permit for the proposed tower would prohibit or have the effect of prohibiting the provision of "personal wireless service," as defined in the Telecommunications Act.

Federal Communication Commission (FCC) records indicate that an existing telecommunications tower owned by American Towers LLC is located approximately one-quarter of a mile from the subject property on Parcel 26403-001-00. American Towers LLC has confirmed that the tower is available for co-location. This tower location with co-location availability falls within the one-half mile radius identified in Sec. 122-1043.

Additionally, the existing church/place of worship on the subject property is currently operating as a non-conforming use without an approved special exception. Pursuant to Subsection 122-173(1): *"No such nonconforming use shall be enlarged or increased, or extended, or occupy a greater area of land than was occupied at the effective date of the ordinance from which this chapter is derived, before the date of adoption of this chapter, or the effective date of an amendment of this chapter."*

The non-conforming provisions contained under Section 122-173 only allow for continuation of the church/place of worship in its current state. The proposed installation of a radio tower exceeding 50 feet in height constitutes an expansion of the non-conforming use. As such, this action would trigger the requirement for the subject property to come into full compliance with the Code of Ordinances, including obtaining a special exception and meeting applicable requirements for access, screening, buffering, and site plan approval. It is noted that the applicant does not propose any improvements to the existing church/place of worship or site but solely intends to increase the height of the telecommunications tower for radio broadcasting purposes.

Special Exception Standards for Approval (Section 122-73(5)):

The Code states that the Board of Adjustment shall consider and weigh the following factors and standards, among others, and shall show in its record these factors and the disposition made thereof. Further, the board shall find in the case of any of these factors and standards, where they may be relevant and applicable, that the purposes and requirements for granting the special exception have been met by the applicant:

- A. Ingress and egress to the property and the proposed structures thereon, if any, including such considerations as automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Staff Comment: The subject property is accessed via an existing unpaved driveway connecting to NE 24th Street, which is not proposed to be altered with this request.

- B. Off-street parking and loading areas, where required, including consideration of ingress and egress to the property, and the economic, noise, glare, or odor effects of the location of such off-street parking and loading areas on adjacent and nearby properties and properties generally in the district.

Staff Comment: Additional off-street parking and loading areas are not anticipated as a result of the request for an unmanned telecommunications tower. The existing church was constructed in 1972 and utilizes a grass parking lot.

- C. Refuse and service areas, and how these areas correspond with both the off-street parking area, and the ingress and egress to the site.

Staff Comment: Additional refuse is not anticipated as a result of the request for an unmanned telecommunications tower.

- D. Utilities, including such considerations as hook-in locations and availability and compatibility of utilities for the proposed use.

Staff Comment: Electric, Potable Water, and Sanitary Sewer utility services are available to the site and will continue to be provided.

- E. Screening and buffering, including consideration of such relevant factors as type, dimensions and character to preserve and improve compatibility and harmony of use and structure between the proposed special exception and the uses and structures of adjacent and nearby properties and properties generally in the district.

Staff Comment: The subject property is zoned R-1A, which typically does not require buffering from adjacent residential uses. The existing church is currently screened from surrounding properties with a natural vegetation buffer of unknown width along the perimeter of the subject property.

Pursuant to Subsection 122-1050(a), the provider of a new tower is required to plant (1) a row of ornamental trees a minimum of eight feet tall and a maximum of ten feet on center around the perimeter of the fence; and (2) A continuous hedge at least 30 inches in height at planting and capable of growing to at least 36 inches in height within 18 months between the trees. The concept plan does not identify the location of the fenced area nor the required landscaping buffer for the proposed tower. The applicant is not proposing to include the required buffering previously stated above.

- F. Signs, if any, and proposed exterior lighting, if any, with reference to glare, traffic safety and economic effects of signs and lighting on properties in the district and compatibility and harmony with other properties in the district.

Staff Comment: An existing freestanding sign is located on the subject property for the church use. Additional signage is not permitted unless a special exception for the church is processed and signage addressed through that process. Pursuant to Subsection 122-1050(e), no signage shall be allowed on any tower, except as required for public safety purposes, or by the FCC.

- G. Required yards and open spaces.

Staff Comment: Setbacks for telecommunications towers are established by Section 122-1047. In 122-1047(2), residential districts, a tower shall be set back the greater of: the minimum setback requirements of the applicable zoning district as set forth in this chapter; or a distance of one foot for every five feet in height of the proposed tower.

Based on the 100-foot height of the proposed tower, the tower must be set back a minimum of 20-feet from any property line. The concept plan identifies that the base of the proposed tower will be set back a minimum of 125-feet from the closest property line.

- H. Height of structure where related to uses and structures on adjacent and nearby properties and properties generally in the district.

Staff Comment: Section 122-1044 establishes a maximum height of 125-feet for telecommunications towers in residential districts. The applicant is proposing a maximum height of 100-feet.

- I. Economic effect on adjacent and nearby properties and properties generally in the district of the grant of the special exception.

Staff Comment: The subject property and neighboring residentially-zoned properties are developed primarily with single-story residences. A 100-foot telecommunications tower would not be consistent with the existing development pattern along NE 24th Street; however, the proposed tower would not be expected to have an adverse economic effect on adjacent or nearby properties with the proper screening and buffering in place. It is noted that this request does not address proper screening and buffering.

It is additionally noted that, American Towers LLC has confirmed that the existing tower located within one-quarter mile on Parcel 26403-001-00 (zoned M-2, Medium Industrial) is available for co-location for a monthly fee.

- J. Visual, physical, and economic impact of the proposed project or use on a historically designated property and district.

Staff Comment: This site is not located within a designated historic district.

Staff Findings and Recommendation

- The current use of the property as a church/place of worship is a non-conforming use requiring a special exception in the R-1A zoning district.
- The request **does not** meet the locational criteria for a telecommunications tower within a residential district, as established by Section 122-1043.
- An existing tower is located within one-quarter mile of the subject property and is available for co-location.
- The request does not meet the standards for approval of a Special Exception pursuant to Ocala Code of Ordinances Section 122-73(5).

Staff Recommendation: Denial

Recommended Conditions of Approval:

Staff recommend **denial** of the special exception request. Should the Board decide to grant approval, the following conditions are recommended:

1. A Special Exception for the church shall be submitted and processed within 6-months of this approval, or this Special Exception shall expire. If the church special exception request is denied then tower special exception shall also expire.
2. This Special Exception shall be granted for and run with the subject property located at 2210

NE 24th Street (PID #24569-001-00).

3. A site plan shall be submitted to the City within 6-months of the first condition meeting the following criteria, or the Special Exception shall expire:
 - a. The telecommunications tower shall not exceed 100-feet in height. The height shall be measured from grade and shall include the tower structure itself, the base pad, and any antenna.
 - b. The telecommunication tower shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parcel.
 - c. The telecommunications tower shall be setback a minimum of 20-feet from any property line.
 - d. Structural supports for the telecommunications tower shall be setback a minimum of 10-feet from any property line.
 - e. The telecommunications tower shall be screened in a manner consistent with Subsection 122-1050(a).
4. A Certificate of Completion shall be issued within 2 years of the first condition, or this Special Exception shall expire.

CASE MAP

Case Number: SE25-0005

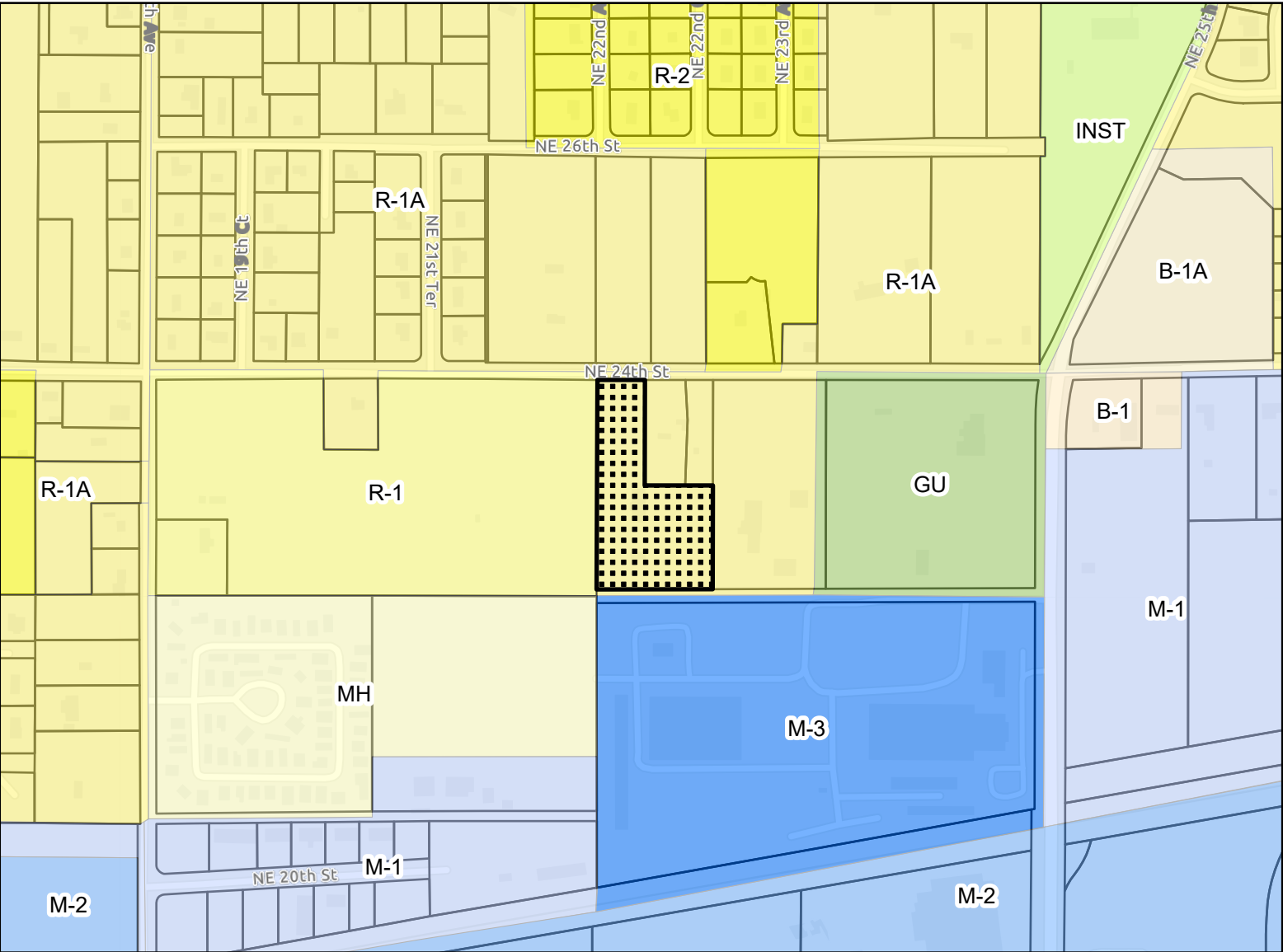
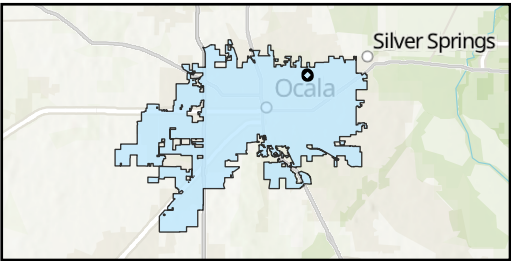
Parcel: 24569-001-00

Property Size: Approximately 3.03 Acres

Land Use Designation: Neighborhood

Zoning: R-1A, Single-Family Residential

Proposal: Installation of 100FT Rohn tower

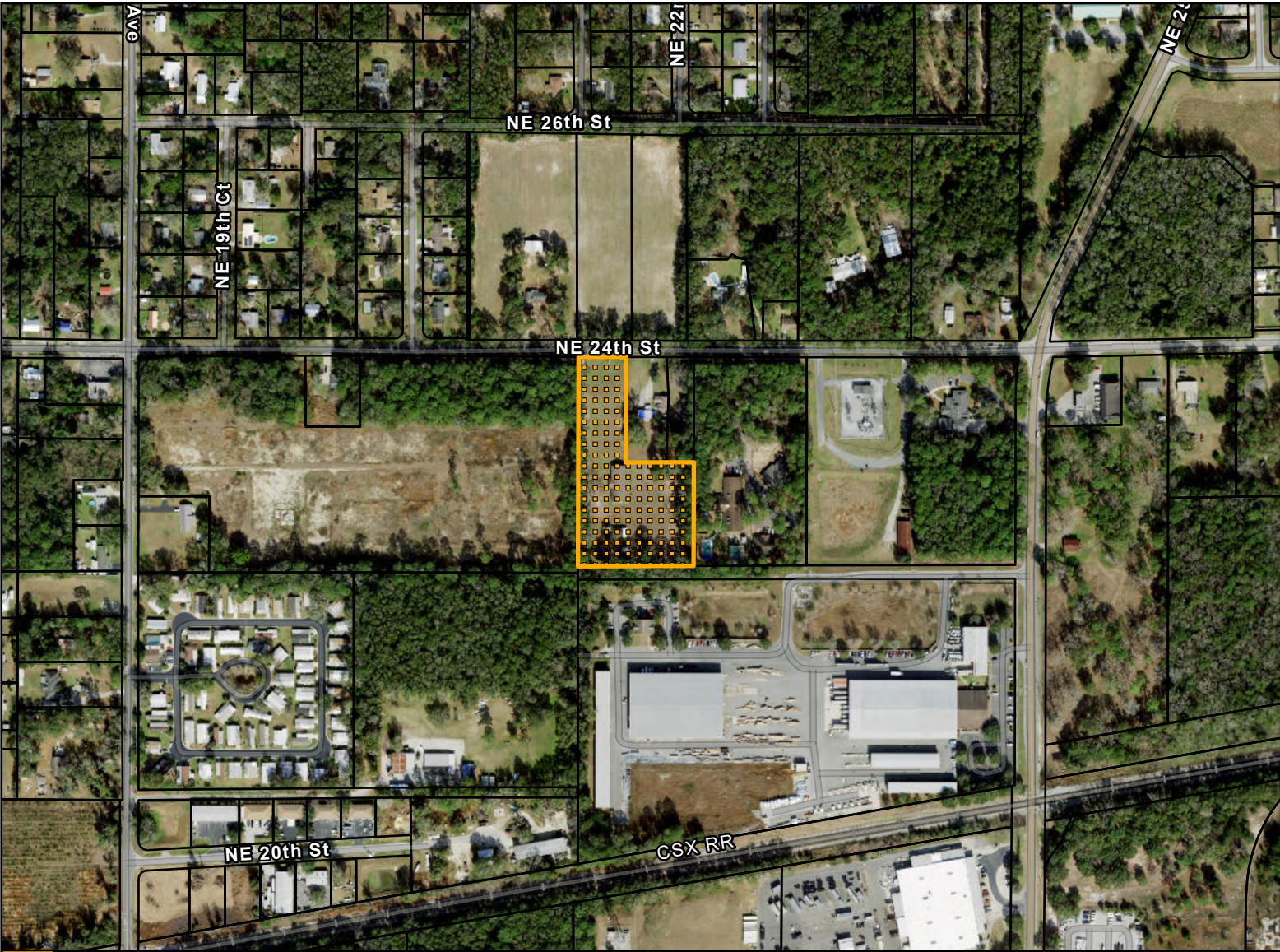
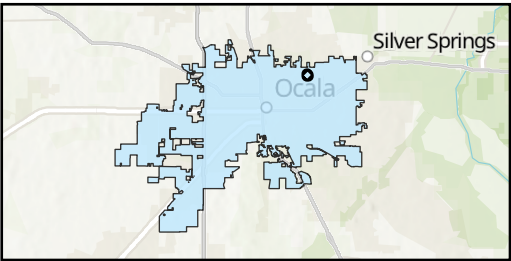




- | | | |
|------------------------------------|--------------------------------|----------------------------|
| B-1:Neighborhood Business | M-2:Medium Industrial | R-2:Two-Family Residential |
| B-1A:Limited Neighborhood Business | M-3:Heavy Industrial | Parcels |
| GU:Governmental Use | MH:Mobile Home Park | Subject Parcel |
| INST:Institutional | R-1:Single Family Residential | |
| M-1:Light Industrial | R-1A:Single Family Residential | |

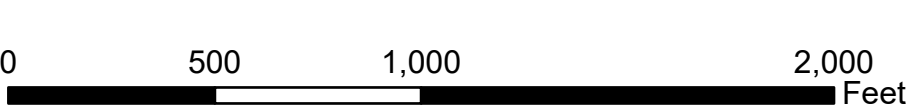


AERIAL MAP

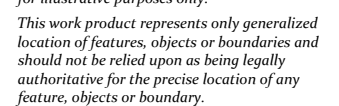
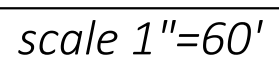
Case Number: VAR25-0004
Parcel: 24569-001-00
Property Size: Approximately 3.03 Acres
Land Use Designation: Neighborhood
Zoning: R-1A, Single-Family Residential
Proposal: Installation of 100FT Rohn tower



 Subject Parcel
 Parcels



Paper Size: 11"x17"



Hon. Jeff Shrum

City of Ocala Board of Adjustment
Ocala City Hall,
110 SE Watula Avenue, 2nd Floor
Ocala, FL 34471

Dear City officials,

15 August, 2025

My name is Myron Loss, and I am the President and Legal Representative for Encouragement Ministries, Corp, a non-profit organization in Florida, and a 501(3)c organization with the IRS. I am also an 80-year-old, 13-year resident of Ocala, an US Air force veteran who has flown over 200 combat missions in Vietnam, and a retired missionary who has served over 35 years in South America.

Our Non-profit has applied for and obtained a low-power FM radio license from the FCC, effective the 23rd of January of this year. We were approved for a 100 ft tower with 4 bay antenna and an Effective Radiated Power of 100 watts at 100 ft (27 meters) altitude. This physical arrangement enabled us to get a required second-channel FCC waiver for interference from a station in Crystal River. A lower tower height may invalidate that waiver.

On 21 February, 2025, we officially applied to the City of Ocala for a permit to install our Rohn 25g 99 ft tower at the property of the First Freewill Baptist Church at 2206 NE 24th St in Ocala. Rohn is the industry leader in structural towers since the 1940s and has a stellar reputation. Later, we were contacted by the Planning Commission saying that we had to try to locate our antenna on any existing towers within ½ mile of our location.

I had tried many times last year to contact the American Tower Company that has a cell tower about 500 yards from our property. After meeting with the planning Commission, I began an all-out campaign to contact them through phone, email, text messages and messages on their web-page. After about a month of attempts, I was finally able to make contact with a Tiffany Yu, who said she was responsible for tower rentals. She asked her sales department what it would entail for us to locate our antenna on their tower.

The answer said that we would need to pay \$2400/month rent plus the cost of any equipment needed to broadcast our signal, and also to send and receive it from our studio to the tower.

This cost would mean the death-knell for our small, non-profit radio station. We are only beginning and our small amount of support so far comes from our listeners and supporters.

Our radio station is bi-lingual: we broadcast in Spanish from 1 am until 12:30 pm, and in English from 12:30 pm until 1 am. It is only the second Spanish language radio station that I am aware of in Ocala. Our message is non-sectarian Christian, with the purpose of giving listeners hope, courage, joy and peace as we point them to Jesus. It consists mostly of top-quality classic and contemporary Christian music interspersed with short Bible texts, and short devotional and testimonial programs.

We applied for a Variance to the Code on June 17th and were told that we had submitted all of the necessary papers and information at that time. We also confirmed with two staff members of the Growth Management Department that everything was in order and that you would meet to consider this request on August 18th at 5:30. On Tuesday, we were informed that we had to change our request to a Special Exception, and that therefore the meeting would not take place until September. So, that is the reason for changing our request.

We believe that our radio and its programming is very positive and good for our community. We want to help people make it through the day with a positive attitude, and urge them to live with kindness and love. Our radio is also streaming around the world, and our announcements promote the City of Ocala as the Horse Capitol of the World.

Through careful study of the City ordinances, we are convinced that our request passes the test for a Special Exemption to the need to locate our antenna on the cell-phone tower near us and for the tower to be located in a semi-residential zone. The code makes provision for these exceptions with your approval.

- Our tower meets all the requirements for safety of the public and surrounding properties.
- Our radio serves the public interest of the City of Ocala and its inhabitants.
- We have been licensed by the FCC for this wireless FM station at this location and with the specified tower height.
- There will be no problems of ingress, egress, off-street parking, interference with any of the city services, change in utility hookups, aesthetic beauty since the property is surrounded by tall trees, and the tower will be only slightly above them, the tower will be well at the

back, there is no additional proposed/needed lighting, There will still be plenty of yard and open space on the 3.03 acres, There should be no economic effect whatsoever on any of the surrounding properties, and this is not an historic section of Ocala.

- Our property is a commercial property surrounded by other commercial and government properties. The only private residences are at the front of our property and were once part of it. They will not be affected by the proposed tower.

For these reasons, we request a Special Exception of the code that says we must locate on the tower that is near us.

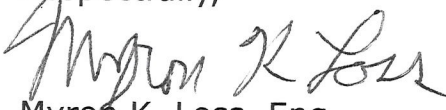
Our tower will meet all of the other requirements of the Code and will not endanger the public since it is completely located on the church property, and should it fail for whatever reason (category 4 or 5 hurricane?), it will not affect adjoining properties.

All our construction is signed and sealed by a structural engineer registered in Florida. I am also an engineer and know without a shadow of doubt that the construction is safe.

We have every intention to doing what is needed to obtain this approval because we believe it is a just cause.

On behalf of Encouragement Ministries, the First Freewill Baptist Church (partner with us, and owner of the land and studio), and our community, I request that you grant us the necessary permission to erect our 99 ft tower.

Respectfully,



Myron K. Loss, Eng.

President

Encouragement Ministries, Corp.

3408 NE 23rd Ave, Ocala, FL 34479

570-765-2352

encmin@gmail.com, myronloss1@gmail.com, wnfyradio@gmail.com

Relevant articles in the Code

Sec. 122-1041. - Generally.

(a)

The **purpose and intent** of this division is to regulate the placement, construction and modification of towers and antennas **in order to protect the health, safety and welfare of the public**, while **at the same time not prohibiting the provision of wireless telecommunications services or unreasonably interfering with the development of the competitive telecommunications business.**

(b)

This division shall include the following regulations and requirements that will: **protect the health, safety, and welfare of the public**; protect residential areas and other land uses from potential adverse impact of antennas and towers; minimize adverse visual impact of antennas and towers through careful design, siting, and landscaping; promote and encourage shared use (co-location) of towers and antenna support structures **as a primary option** rather than construction of additional single-use towers; avoid potential damage to property caused by antennas and towers by **ensuring such structures are soundly and carefully designed, constructed, modified and maintained**; and **ensure that antennas and towers are compatible with surrounding land uses.**

Sec. 122-1043. - Location.

(a)

A new tower shall be permitted as a principal or accessory use:

(2)

In residential zoning districts, **only upon receipt of a special exception from the board of adjustment** and upon meeting the following requirements (in addition to those required for a special exception in other circumstances):

a.

There are no available sites in non-residential zoning districts, or available towers or antenna support structures, within a one-half mile radius of the proposed tower; and

b.

Denying a permit for the proposed tower would prohibit or have the effect of prohibiting the provision of "personal wireless service," as defined in the Telecommunications Act.

Sec. 122-1044. - Height limitations.

(a)

New towers are subject to the following height limitations:

In residential zoning districts, a tower shall not exceed 125 feet in height.

(b)

Modified towers in residential districts shall not exceed 125 feet in height.

(c)

Tower height shall be measured from grade and shall include: the tower structure itself; the base pad; and any antenna attached thereto which extends over the top of the tower structure itself, except an antenna which extends over the top of the tower structure by no more than 20 feet shall not be included.

Sec. 122-1045. - Permits.

(a)

No person shall construct a new tower, modify a tower, or add an antenna to a tower or an antenna support structure; without first obtaining a permit pursuant to this section. Such permit shall be in addition to any other permits (e.g. building permits) which may be required by this Code for the activity.

(c)

Applications for permits:

(1)

For the construction of new towers or modifications of towers shall be subject to approval as part of the building and site plan review process; if,

however, a tower already complies with the requirements of this division, site plan review of a modification of the tower may be waived by the building official; and

(d)

An applicant requesting a permit to construct a new tower shall include the following:

(1)

The name and address of the owner of the property and of the provider;

(2)

A legal description and street address of the property;

(3)

A site plan (ten copies) drawn to scale. The building official shall provide a checklist of items required for the site plan. The site plan shall also include criteria consistent with the requirements of this division;

(4)

The height of the proposed tower;

(5)

The names, addresses and telephone numbers of all owners, including government entities, and the location, of other towers or usable antenna support structures within a one-half mile radius of the proposed tower;

(6)

Written documentation demonstrating that the applicant made diligent efforts to co-locate on towers or on usable antenna support structures owned by other persons, including governmental entities, located within a one-half mile radius of the proposed tower;

(7)

A description of the tower with technical reasons for its design;

(8)

Written, technical evidence from an engineer that the proposed structure meets the structural requirements set forth in this division. The applicant shall submit the necessary building plans to the building official;

(10)

Payment of an application fee of \$500.00 for the permit, as well as all other fees and charges assessed by the city (e.g. fees for building permits, site plan review, etc.). The applicant shall pay any reasonable additional costs incurred by the city in processing the application including, without limitation, compensation for engineers (including radio frequency engineers) or other technical consultants retained by the city; and

Sec. 122-1047. - Setbacks.

(a)

All new towers shall be setback from adjacent uses on the same property and from all property lines of the parcel as follows:

(2)

In residential and commercial districts, the tower shall be set back the greater of: the minimum setback requirements of the applicable zoning district as set forth in this chapter; or a distance of one foot for every five feet in height of the proposed tower.

(3)

In addition to the above requirements:

a.

Towers shall be located on a parcel in such a manner that in the event of collapse, the tower structure and its supporting devices shall be contained within the confines of the property lines of the parcel; and

b.

Structural support devices such as peripheral anchors, guy wires or other supporting devices shall be located no closer than ten feet from any property line of the parcel.

(b)

Setbacks from property lines shall be measured from the base of the tower to property or right of way line. Setbacks from structures shall be measured from the base of the tower to the base of the structure.

Sec. 122-1048. - Structural requirements; inspections.

(a)

All antennas and towers must be **designed and certified by an engineer to be structurally sound** and, at minimum, in conformance with the adopted city building and electrical codes, and any other reasonable standards deemed necessary by the building official.

(b)

Upon completion of work authorized by a permit issued pursuant to this division (i.e. construction or modification of a tower, or installation of an antenna), **the provider must provide certification from an engineer that the work was done pursuant to the permit, and in conformance with the requirements of subsection (a) of this section.**

Sec. 122-1049. - Maintenance.

(a)

Providers shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b)

Providers shall install and maintain towers, antennas, wires, cables, fixtures and other equipment in compliance with the requirements of adopted city building and electrical codes and any other reasonable standards deemed necessary by the building official, and **in such manner that will not interfere with the use of other property.**

(c)

All towers, antennas and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that the same shall not menace or endanger the life or property of any person.

(d)

All maintenance or construction on towers, antennas and antenna support structures shall be performed by licensed maintenance and construction personnel.

(e)

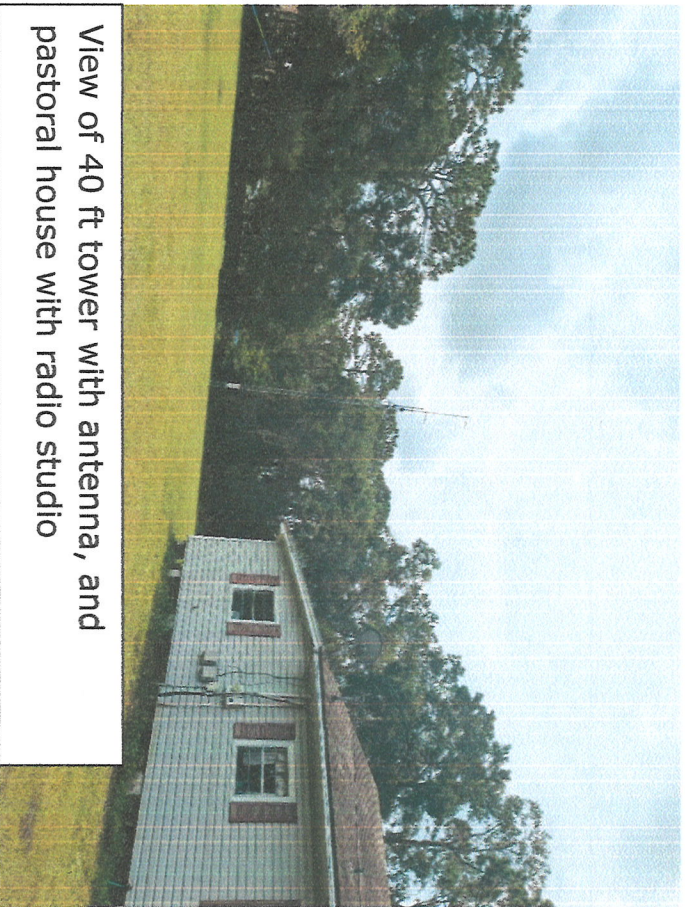
All towers shall maintain compliance with current radio frequency emission standards of the FCC or any superseding city, state or federal regulations.



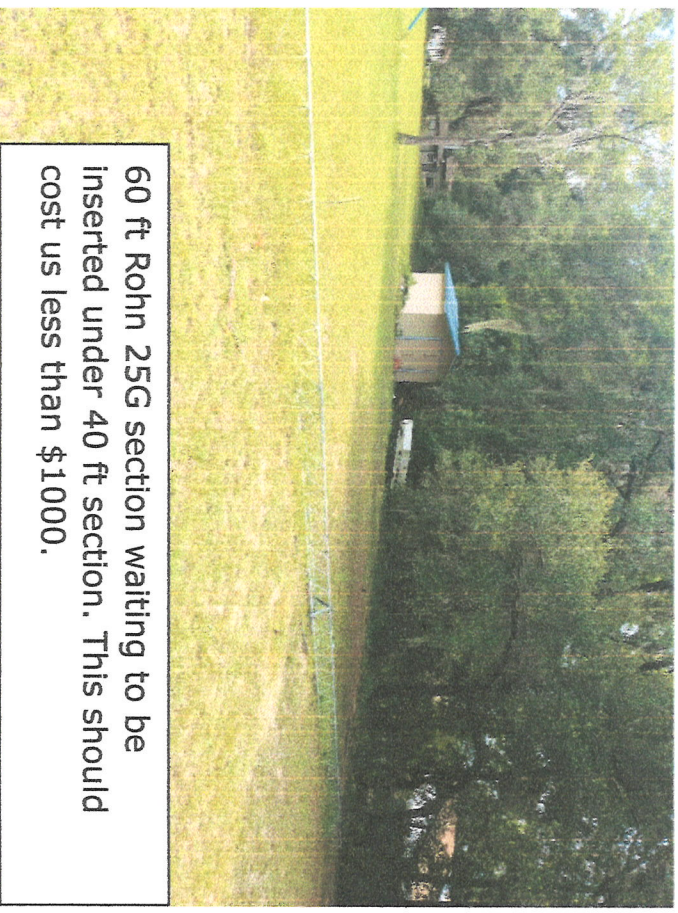
View from near 24th St. Tower will be surrounded by tall trees.



Google view from NE 24th St.



View of 40 ft tower with antenna, and pastoral house with radio studio



60 ft Rohn 25G section waiting to be inserted under 40 ft section. This should cost us less than \$1000.



City of Ocala/Permit office
201 SE 3rd Ave,
Ocala, FL 34470

Dear sirs/madams,

21 February 2025

As legal representative for the First Freewill Baptist Church of Ocala, Inc., located at 2210 NE 24th St, Ocala, FL, 34470, and also 2206 NE 24th St,

I wish to designate **Myron K. Loss** as our agent regarding the obtaining of permits for construction of a 99ft Ft Rohn tower for a new Low Power Christian Radio station on our property (2206 NE 24th St).

Please accord him all the services required to represent us in this matter.

Mrs. Phyllis Hicks
Legal Representative
352-286-9563

Tiffany Yu

9:17 AM (3
hours ago)

to me

Hi Myron,

I received pricing back from my pricing desk for your potential build at our Silver Springs West #302788:

- Customer: Encouragement ministries, Corp
- Call Sign: N/A. It's a FPFM non-com
- Site: Silver Springs West #302788
- RAD: 161.5 ft R/C (149-174 ft)
- Equipment:
 - 25 ft antenna
 - 1 rack space in ATC building
- Pricing:
 - Monthly rent: \$2,400
 - Initial term: 5 years
 - Renewals: 5x5 autorenewals
 - Escalator: 3%

Thank you,

Tiffany Yu



City of Ocala
Growth Management Department
201 S.E. 3rd Street, 2nd Floor
352-629-8421 | www.ocalafl.gov

Building Permit Application Instructions

This checklist is designed to assist you in completing your Permit Application thoroughly. For questions, contact the Building Division at 352-629-8421.

Select Property Type: Check whether the job site is Residential or Commercial (top left corner).

Date & Master File: Enter the application date and note the Master File # (if applicable).

OWNER INFORMATION	Fill in ALL owner details, including phone number and email. Failure to provide this information may result in the application being deemed incomplete.
CONTRACTOR INFORMATION	ALL contractor information shall be filled out, including the qualifier's license number, phone number, and e-mail. Failure to provide this information may result in the application being deemed incomplete.
JOB/PROJECT INFORMATION	Project Name & Job Site Address: Provide the project name, Parcel ID, subdivision, lot, block, and full job site address. If there are multiple buildings or addresses, specify the correct building/unit. Note the current/previous use of the property (Retail, assembly, single family, etc.) Note the proposed use of the property. The total work value shall include materials and labor, even if the work will be done for free. Flood Zone information can be found HERE . Type your address or Parcel ID Number on the Search Bar. If there is a yellow layer over your property, you are in an area prone to Floods as studied by the City of Ocala. If there is a blue layer over your property, you're in the "A" Flood zone. If an orange layer is over your property, you're in the "AE" Flood Zone. If there is no layer over your property, you're in the "X" Flood Zone. For more information on the FEMA Flood Zone, please click HERE . The Base Flood Elevation can be found in your existing Survey or Elevation Certificate. The scope of work shall be detailed. If additional space is required, you may add a narrative. Failure to provide a detailed scope of work may result in the application being deemed incomplete. Please note the total number of stories and number of bedrooms if applicable
PERMIT TYPE	Only select one permit type.
PERMIT SUBTYPE	Please select the appropriate SUBTYPE based on your scope of work.
ELECTRONIC PLAN SUBMISSION	If your plan requires plan review, please provide the information for the person responsible for uploading the plans and addressing corrections.
BUILDING CLASSIFICATION	If your scope of work is INTERIOR OR EXTERIOR alterations or NEW CONSTRUCTION, please note the building classification, the alteration level, and the historic designation.
NOTICE	Notice regarding Building Permit Applications. Please review this information for every permit type.
SUBCONTRACTOR INFORMATION	List ALL applicable subcontractors. All information is required. APPLICATIONS MISSING SUBCONTRACTOR INFORMATION WILL BE DEEMED INCOMPLETE.
OWNER & CONTRACTOR SIGNATURES	In-person submittals: Will not require the owner's signature, however, the contractor must, by law (FS 713.135(c)) promise to inform the fee simple titleholder that the property in question is being subjected to possible liens and/or attachment. Electronic submittals through a contractor's portal: Will not require the owner's signature, however, the contractor must, by law (FS 713.135(c)) promise to inform the fee simple titleholder that the property in question is being subjected to possible liens and/or attachment. Electronic submittals through a public portal: Will require an application be uploaded and signed/notarized by the contractor. The owner shall sign/notarize if submitted pending contractor.

Applications can only be e-mailed for confidential parcels. Should you require assistance using the eTRAKIT Portal, you may schedule an appointment with staff to go over the software and how to use it.

ALL PERMIT FEES ARE NON-REFUNDABLE

6. ELECTRONIC PLAN SUBMISSION

The applicant will have all permissions to access comments, markups, and uploading of files into the project, and is responsible for making changes to plans based on review comments.

Applicant Name: Myron Loss

Phone No.: 570-765-2352

Applicant E-mail: Myronloss1@gmail.com

SUBMITTAL NOTES: EACH SHEET OF THE PLAN SET SHALL BE UPLOADED AS A SINGLE FILE. REVISED DRAWING FILES ARE REQUIRED TO RETAIN THE SAME FILE NAME AS WHEN INITIALLY SUBMITTED. STAMPED, APPROVED PLANS MUST BE ON THE JOB SITE FOR INSPECTIONS.

Applicants may add others to the project in either the applicant or public inquiry groups.

CAUTION: Adding others to the applicant group allows the permission to accept and complete tasks.

7. BUILDING CLASSIFICATION

BUILDING CLASSIFICATION		ALTERATION LEVEL	HISTORIC DESIGNATION
<input type="checkbox"/> Cell Tower	<input checked="" type="checkbox"/> Accessory Structure	<input type="checkbox"/> Level I	<input type="checkbox"/> Historic District
<input type="checkbox"/> Single Family Residence	<input type="checkbox"/> Hotel/Motel	<input type="checkbox"/> Level II	
<input type="checkbox"/> Multifamily Units	# _____ of units	<input type="checkbox"/> Level III	
# of _____ units	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Change of use	

8. NOTICE REGARDING BUILDING PERMIT APPLICATIONS

A NOTICE OF COMMENCEMENT IS REQUIRED FOR ALL PERMITS VALUED OVER \$5,000 EXCEPT HVAC CHANGEOUTS. HVAC CHANGEOUT PERMITS REQUIRE A NOTICE OF COMMENCEMENT WHEN VALUED OVER \$15,000. ALL PERMITTING FEES ARE NON-REFUNDABLE.

The completion and submission of a City of Ocala building permit application is a requirement for securing a City of Ocala building permit. The City of Ocala will rely upon the information contained in the application in determining whether a building permit should be issued. The submission of inaccurate, misleading, or misrepresented information in the application shall subject the building permit to denial, suspension, or revocation, and the individual applying for the permit, to all appropriate fines, penalties, and other punishments authorized by law.

If you are not the owner of the property being permitted, you must, by law (FS 713.135 (c)) promise to inform the fee simple titleholder that the property in question is being subjected to possible liens and/or attachment.

9. SUBCONTRACTOR INFORMATION

Trade	Company Name	Subcontractor Name	Licensee Number	E-mail
Mechanical	N/A			
Electrical	N/A			
Plumbing	N/A			
Gas	N/A			
Roofing	N/A			
Irrigation	N/A			
Other:	N/A			

Federal Communications Commission

LOW POWER FM BROADCAST STATION CONSTRUCTION PERMIT

Permittee

Encouragement Ministries
Corp.
3408 NE 23 Av
Ocala, FL, 34479

Call Sign	Facility ID
NEW	782520

File Number 0000232026		
Filing Date 12/12/2024	Grant Date 01/23/2025	Expiration Date 36 months after the grant date

Community of License City: OCALA State: FL	Frequency (MHz) 98.9	Station Channel 255	Station Class LP100
Hours of Operation: Unlimited			

Transmitter Certified for Compliance. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.	Transmitter Output Power As required to achieve authorized ERP.
Antenna Type Non-Directional	Antenna Coordinates (NAD 83) Latitude 29-12-36 N Longitude 82-6-24 W

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Maximum Effective Radiated Power in the Horizontal Plane (W)	100.0	100.0
Minimum Effective Radiated Power in the Horizontal Plane (W)	50.0	50.0
Height of Radiation Center Above Ground (meters)	27	27

Height of Radiation Center Above Mean Sea Level (meters)	48	48
Height of Radiation Center Above Average Terrain (meters)	26	26

Antenna Structure Registration Number Not Required	Overall Height of Antenna Structure Above Ground (meters) 31
---	---

Obstruction Marking and Lighting Specifications for Antenna Structure

It is expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303 (q) of the Communications Act of 1934, as amended.

Special Operating Conditions or Restrictions

The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules (See Section 73.875).

Pursuant to Section 73.3598, this Construction Permit will be subject to automatic forfeiture unless construction is complete and application for license is filed prior to expiration.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Federal Communications Commission

CALL SIGN REQUEST AUTHORIZATION

Licensee/Permittee
Encouragement Ministries
Corp.
3408 NE 23 Av
Ocala, FL, 34479

Call Sign	File Number
NEW	0000264559

Facility ID:782520
Purpose:Call Sign Request (Permittee Initial)

Filing Date 01/24/2025	Grant Date 01/28/2025	Effective Date 01/30/2025
New Call Sign WNFY-LP	Former Call Sign NEW	Community of Service OCALA, FL



Ocala

Legislation Text

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

File #: 2025-1972

Agenda Item #: a.

Briggs/ VAR25-0005

Petitioner: Robert & Nadia Briggs

Planner: Breah Miller (352.629.8341)

bmiller@ocalafl.gov

A Variance request to reduce the street side yard setback from 25 feet to 18.3 feet and to reduce the rear yard setback from 25 feet to 3 feet

Recommended Action: Approval



Staff Report

VAR25-0005

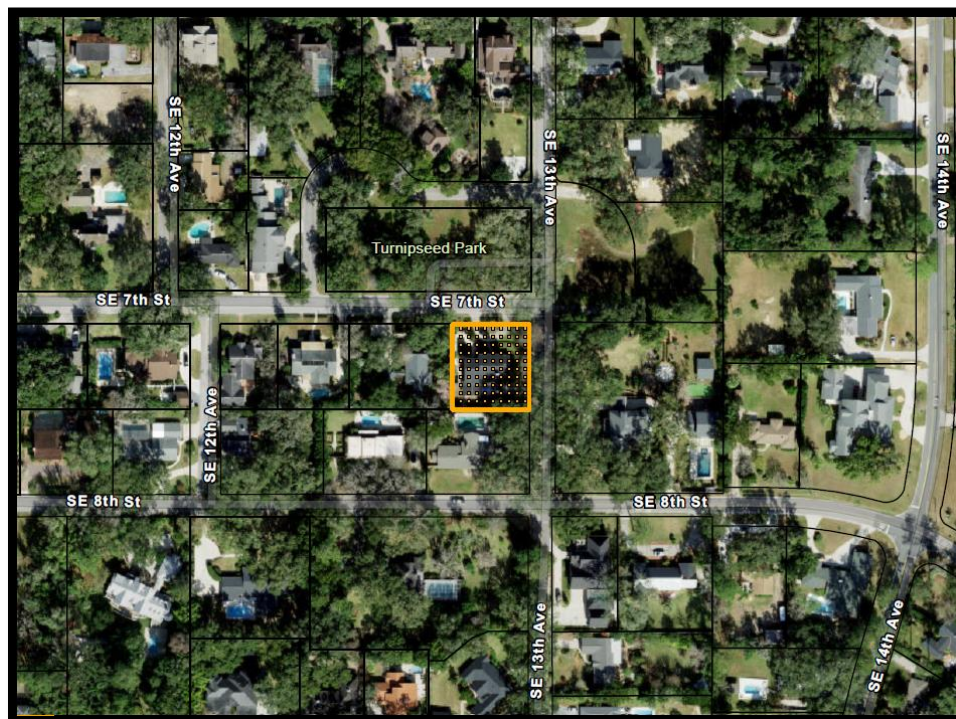
Board of Adjustment: September 15, 2025

Applicant: Robert & Nadia Briggs
Property Owner: Robert & Nadia Briggs
Project Planner: Breah Miller, Planner II
Applicant Request: Variance to reduce the street side yard setback from 25 feet to 18.5 feet and to reduce the rear yard setback from 25 feet to 3 feet.

Parcel Information

Acres: ± 0.37 acres
Parcel(s) #: 2836-005-001
Location: 1244 SE 7th Street
Existing use: Single Family Residence
Future Land Use: Neighborhood
Zoning Designation: R-1, Single-Family Residential
Special District(s)/Plans(s): Ocala Historic District
Overlay(s): N/A

Figure 1. Aerial Location Map



Adjacent Property Information

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning District</u>	<u>Current Use</u>
North	Public	R-1, Single Family Residential District	Park
East	Neighborhood	R-1, Single Family Residential District	Single-family residence
South	Neighborhood	R-1, Single Family Residential District	Single-family residence
West	Neighborhood	R-1, Single Family Residential District	Single-family residence

Applicant Request

The applicant is requesting a variance from Section 122-286, which mandates a 25-foot setback for street side yards and interior rear yards in the R-1, Single Family Residential, zoning district. The applicant is requesting to reduce the street side yard setback to 18.5 feet and the rear yard setback to 3 feet for an attached garage addition for the property located at 1244 SE 7th Street.

Background

The subject property, identified by Parcel Identification Number 2836-005-001, is located within the Ocala Historic District. Property Appraiser's records show that the existing single-family residence was built in 1954. Although it is within the Ocala Historic District, the home is not considered a contributing structure because it was not constructed during the designated period between 1880 and 1930.

In October 2021, the applicant received approval from the Ocala Historic Preservation Advisory Board (OHPAB) to enclose an existing attached garage, converting that space to living area, and construct a new detached garage. On May 5, 2023, the original OHPAB approval was extended until May 5, 2024, but has since expired.

In June 2025, the applicant submitted a new application for a detached garage located in the front yard. At that time, staff found that the proposed location resulted in an inconsistency with Code of Ordinances Section 122-254, in which accessory structures may only be located in the side and rear yards and must meet required setbacks. The applicant then resubmitted modified plans which proposed a relocation and attachment of the garage to the house through a breezeway. These changes brought the proposed accessory structure into conformance with the Code with regards to location; however, it did not address the setback requirements.

On September 4, 2025, the alteration received architectural approval from the Ocala Historic Preservation (attached to this staff report) with a recommendation to seek a variance from the Board of Adjustment for reduced setbacks.

Staff Analysis

This staff analysis focuses on the allowed primary and accessory structures on lots zoned R-1, Single-Family Residential and the impacts of a historic district on the placement of new or modified structures.

Pursuant to Section 122-254-Accessory Uses and Structures, a detached garage is considered an accessory structure and is permitted to be located 3 feet from the rear property line. An attached garage is considered part of the primary structure and therefore required by Section 122-286-Lot Requirements to address all primary structure setback requirements.

A conventional lot within the City will have a clearly defined front lot line, interior side yard lines, and a rear yard line. However, there are lots with multiple frontages. The Land Development Regulations (LDR) address frontage in both Section 122-250 and Section 122-286. The subject property is a corner lot classified as a double frontage lot under Section 122-250 - Double Frontage Lots. Section 122-286 specifies that a lot has a front yard that determines the front of a primary structure; however, it also establishes a street side yard setback. Additionally, a corner or through lot must have front yards on both streets, and accessory buildings are prohibited in either front yard as outlined in Section 122-250.

OHPAB in 2021, approved a master plan for the subject property which included the enclosure of the original attached garage and outlined future plans for a detached garage. OHPAB approves the architectural design through a Certificate of Appropriateness (COA), specifically, Section 94-82 references that OHPAB shall issue a COA as a prerequisite to the issuance of any other permits or approvals. The surrounding historic neighborhood includes both attached and detached garages, some of which do not meet current setback requirements or are located within the front/street yard setback, reflecting the historic development pattern of the area.

Due to the placement of the historic home and the lot being a corner lot, constructing a detached garage would result in the accessory structure being located in the front yard, which is not permitted by Section 122-254 and would not meet the criteria for a variance. The applicant has modified the proposal and is including a breezeway to connect the garage to the primary structure, thus creating an attached addition to the structure. By creating an attached garage, a variance request is required for both the rear and front/street side yard setbacks.

The variance request meets the standards of approval outlined under Section 122-93 and Section 122-94(1).

Variance Standards for Approval (Section 122-94(1)):

The Code states that the Board of Adjustment shall authorize, upon appeal from the decision of the building official, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in practical difficulties. A variance shall not be granted unless and until the following is demonstrated:

- 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 in the same district.

Pursuant to Section 122-93, "an applicant for a variance within a designated historic district or property need not demonstrate practical difficulty but shall show only that the project is not detrimental to the public interest."

Although this property is not a contributing structure, it is located within the Ocala Historic District and subject to the provisions of Section 122-93. Prior to receiving OHPAB approval, public notices are sent to surrounding property owners and no objections were received with regard to the proposed development.

- B. Literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

A significant number of historic properties have structures that do not comply with the setback requirements outlined in Section 122-286. This non-compliance is primarily due to the smaller lot sizes and historical architectural trends found within the Ocala Historic District.

- C. The special conditions and circumstances mentioned above do not result from the action of the applicant.

The applicant followed the correct procedures to obtain the necessary approvals for OHPAB Certificates of Appropriateness. Therefore, the existing garage was converted into a living space with the intention of building the approved detached garage. However, the Certificate of Appropriateness expired prior to project completion. Staff determined that a variance would be necessary to complete to project in its entirety when the new Certificate of Appropriateness application was submitted.

- D. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.

Granting the request would not confer a special privilege upon the applicant, because the garage was previously approved in the same location twice without objection.

Sec. 122-93. - Variances for historic property:

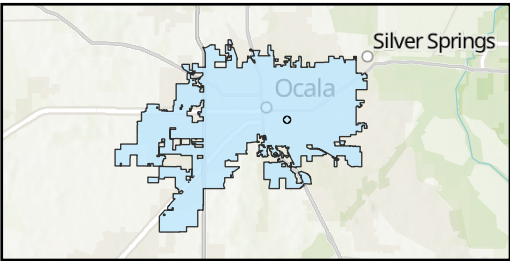
An applicant for a variance within a designated historic district or property need not demonstrate a practical difficulty, but shall show only that the project is not detrimental to the public interest.

Staff Recommendation: Approval

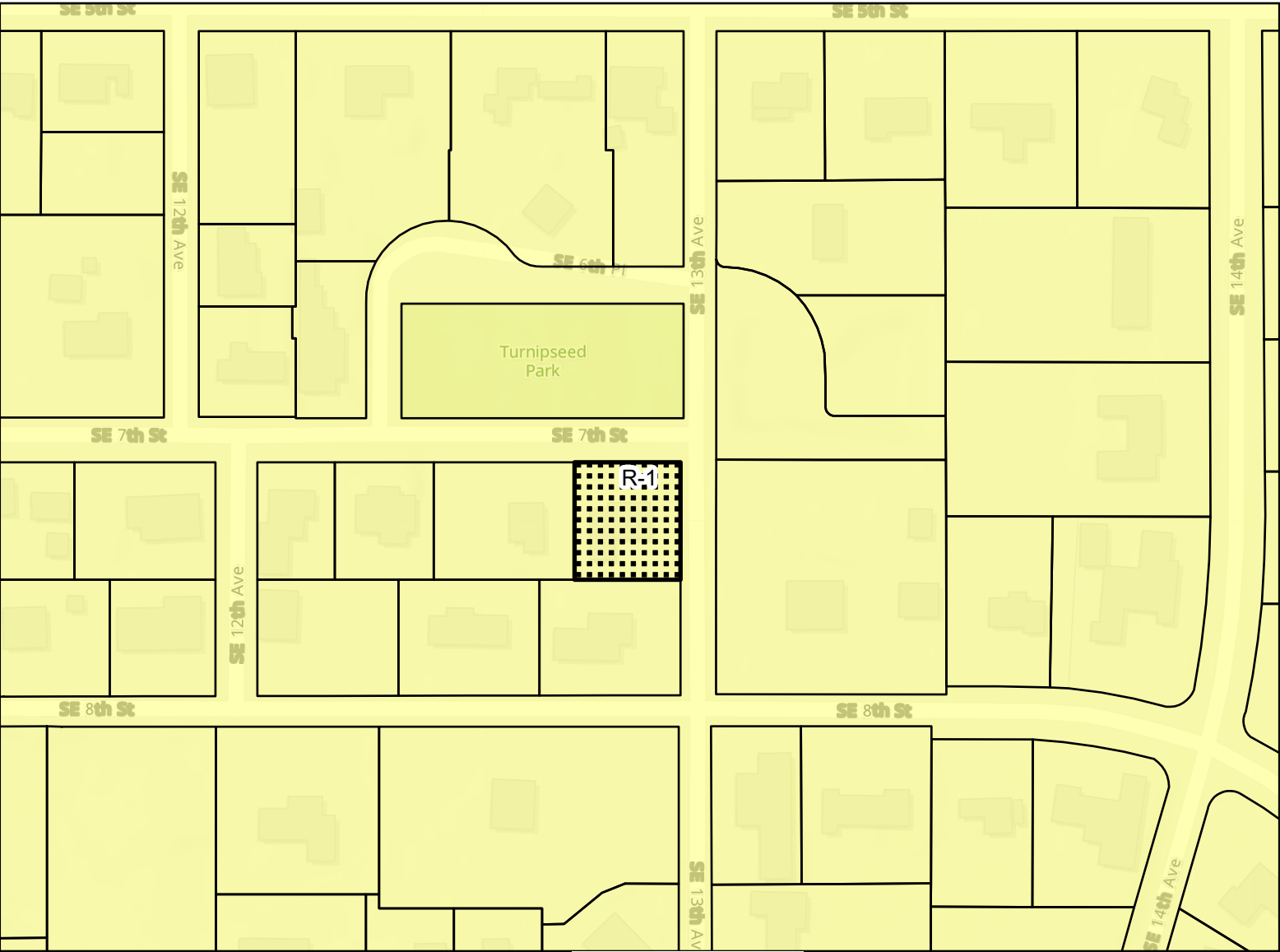
CASE MAP

Case Number: VAR25-0005
Parcel: 2836-005-001
Property Size: Approximately .37 Acres
Land Use Designation: Neighborhood
Zoning: R-1, Single-Family Residential

Proposal: A request to change side yard setback from 25ft to 18.3ft and rear 25ft to 3 for an attached garage.



Folder: M:\GIS\Department\IT\Planning\September_BOA\



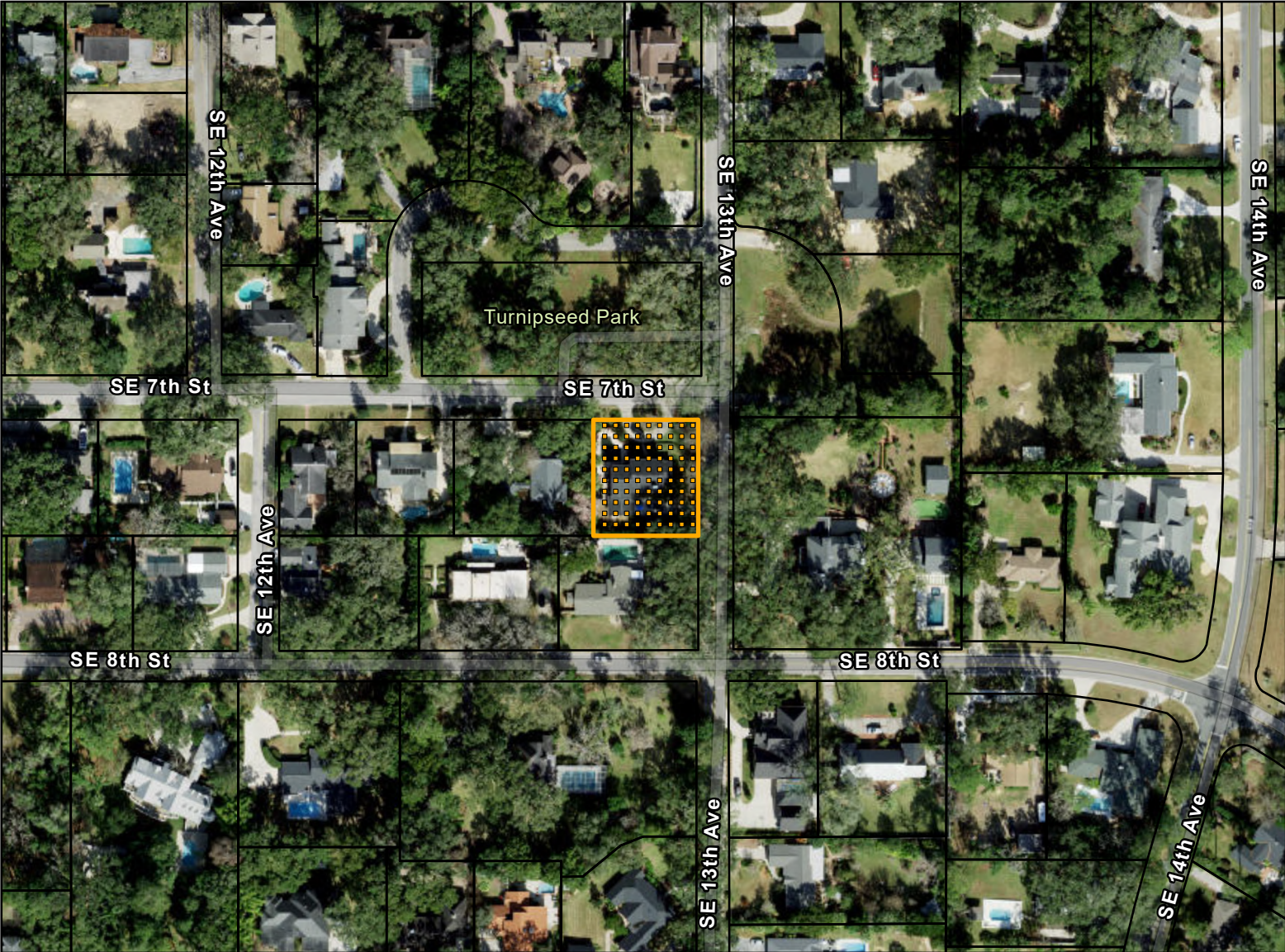
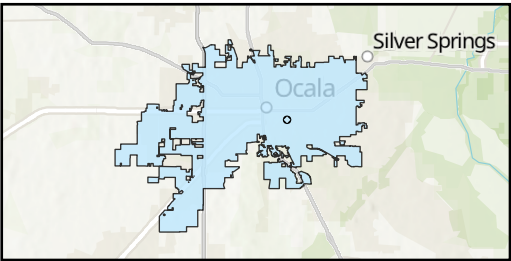
- Subject Parcel
- Parcels
- R-1:Single Family Residential





AERIAL MAP

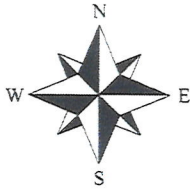
Case Number: VAR25-0005
Parcel: 2836-005-001
Property Size: Approximately .37 Acres
Land Use Designation: Neighborhood
Zoning: R-1, Single-Family Residential

Proposal: A request to change side yard setback from 25ft to 18.3ft and rear 25ft to 3 for an attached garage.



 Subject Parcel
 Parcels





SITE PLAN

SCALE - 1/8" = 1'-0"

N.00°04'14"E. 133.00'

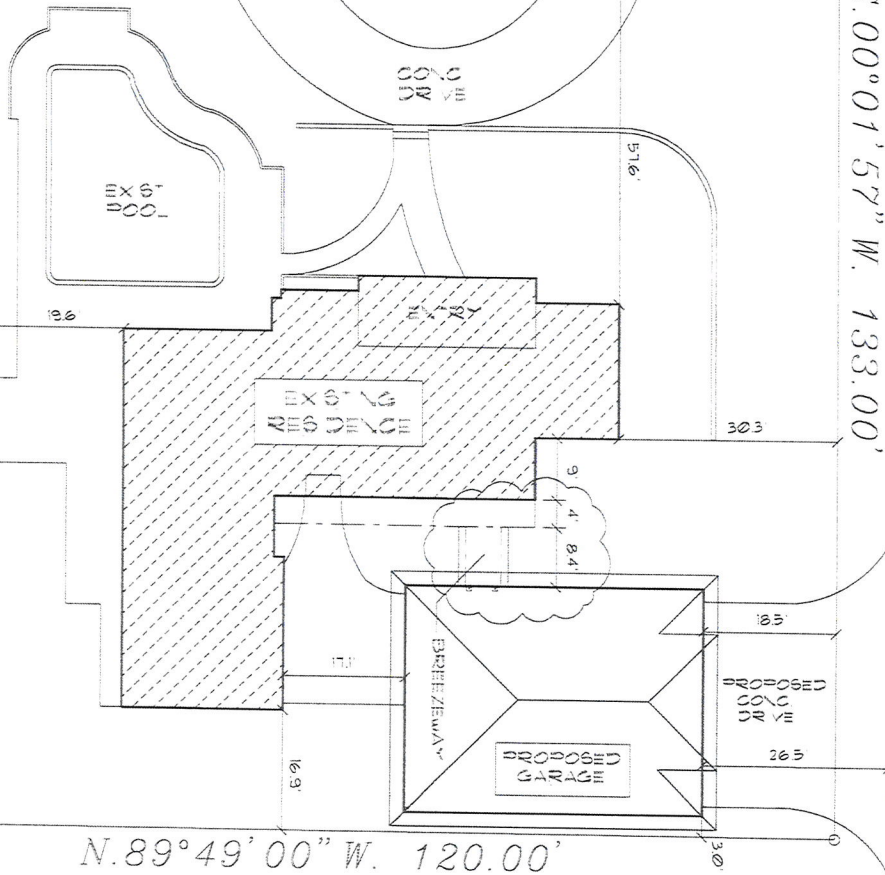
S.E. 7TH STREET

S.89°40'00"E. 120.00'

S.00°01'57"W. 133.00'

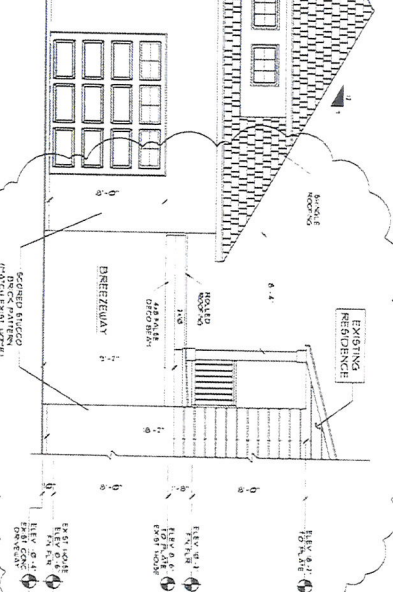
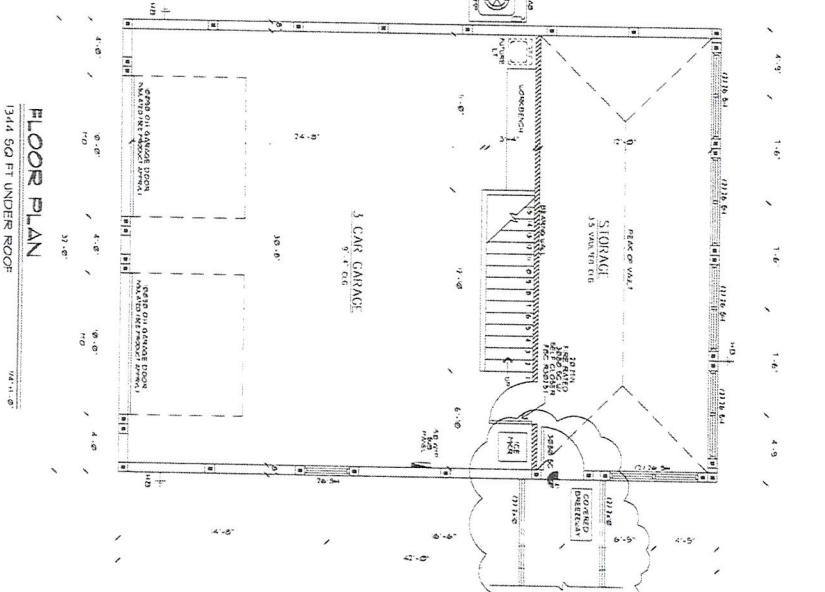
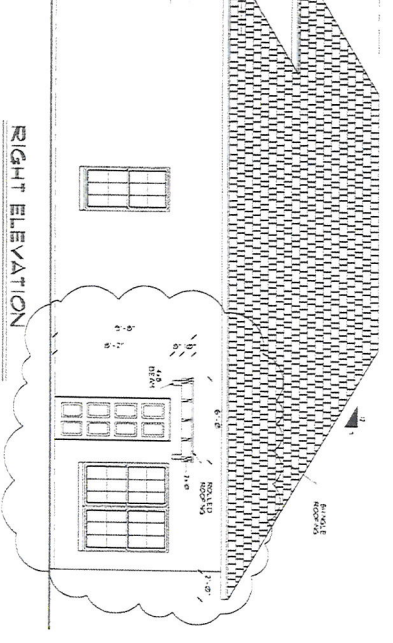
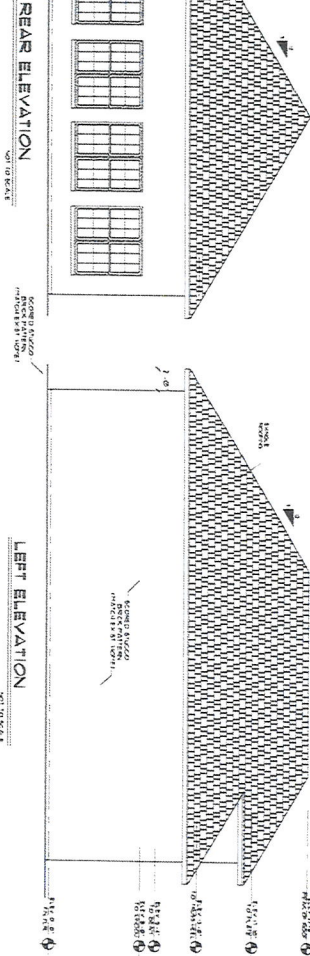
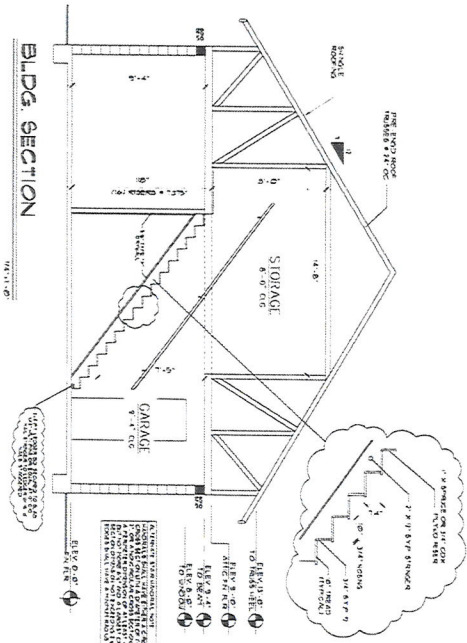
S.E. 13TH AVENUE

N.89°49'00"W. 120.00'



1/8" = 1'-0"

<p>1/8" = 1'-0"</p>	<p>SITE PLAN</p>	<p>BRIGGS GARAGE 1244 SE 7TH STREET OCALA, FL. 34471</p>	<p>W.A. RUPPEL LLC Residential Drafting & Design Services 4410 S.E. 4TH PLACE OCALA, FL 34471 OFFICE: (352) 824-2872 EMAIL: warruppel@bnpd.com</p>	<p>Copyright 2020 by W.A. Ruppel, LLC. All rights reserved. No part of these plans, designs, or information shown may be reproduced, copied or utilized graphically in any form whatsoever without the express written consent of W.A. Ruppel, LLC.</p>
---------------------	------------------	--	--	---



BRIGGS GARAGE
1244 SE 7TH STREET
OCALA, FL. 34471

W. A. RUPPEL LLC
Residential Drafting
& Design Services
4416 S.E. 4TH PLACE
OCALA, FLORIDA 34471
971.611.1212
OWAL - 561.999.0800

BRIGGS GARAGE
1244 SE 7TH STREET
OCALA, FL. 34471
971.611.1212
OWAL - 561.999.0800



City of Ocala
Growth Management Department
201 S.E. 3rd Street, 2nd Floor
352-629-8404 | www.ocalafl.gov | gmd@ocalafl.gov

VARIANCE REQUEST

- ☐ Variance through the Board of Adjustment (\$1,250)
☐ Administrative Variance (\$400)

Due Date: Complete application 45 days prior to P&Z Commission meeting held on the second Monday of the month. Incomplete applications will not be processed until all required information is submitted. Staff may request additional information to properly review the application.

Name of Petitioner(s):		Robert & Nadia Briggs			
Mailing address:		1244 SE 7 Street	City:	Ocala	State: FL
Phone:		(352) 427-5518	Email:	nadia.sanan.briggs@gmail.com	
Parcel Number(s):		2836-005-001			
Section:	17	Township:	15	Range:	22
		Size of Property:			
Attach Legal Description: It shall be the applicant's responsibility to provide the correct legal description for the subject property. The application will not be processed until a correct legal description is provided. An electronic file of the legal description in Word format, plus site plan or site sketch (PDF), must be submitted with the application.					
Street address of the property:		1244 SE 7 Street, Ocala FL 34471			
Present Land Use designation:			0100		
Present Zoning District:			R1		
Description of request: A variance is requested to reduce the rear setback from 25 feet to 3 feet on the proposed attached garage addition. <i>A variance is requested from the street side from 25 feet to 18.5 feet on the proposed attached garage addition.</i>					
Is a special exception being requested along with this variance? <input type="checkbox"/> Yes <input type="checkbox"/> No					
The application will not be processed if these items do not accompany the application: <input type="checkbox"/> Deed or other proof of ownership <input type="checkbox"/> Notarized signature of the current property owner(s) & the agent's signature, if applicable <input type="checkbox"/> The appropriate fee in cash or check (Payable to the City of Ocala) <input type="checkbox"/> Electronic file of legal description in Word format, plus sketch/ site plan (PDF)					

ATTENDANCE at the public hearing by the applicant or agent (as designated in writing) **IS RECOMMENDED**



City of Ocala
Growth Management Department
201 S.E. 3rd Street, 2nd Floor
352-629-8404 | www.ocalafl.gov | gmd@ocalafl.gov

**A VARIANCE FROM THE TERMS OF THE ZONING CODE WILL NOT BE CONSIDERED
UNLESS THE FOLLOWING ARE ADDRESSED IN WRITING:**

(Attach additional pages if necessary)

What special conditions and circumstances exist that are peculiar to the land, structure or building involved and which are not applicable to other land structures or building in the same zoning district?

The applicants have a hardship as a result of reliance on a previously approved plan (by OPHAB) to enclose their existing garage into living space and build this new garage. The applicants then commenced construction, to enclose said existing garage, then due to building delays with the contractor, the new garage was not commenced prior to the approval expiring. The applicants would have never taken the action they already did if this new garage was at any risk of non-approval.

How does the literal enforcement of the provisions of the Zoning Code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Zoning Code?

Yes, the literal enforcement of the provisions creates a hardship of depriving the applicant of a garage to park their cars, which had been previously approved by OPHAB and upon which the applicants relied upon that approval when they began the first part of the construction, enclosing their previously existing garage into living space anticipating the completion of the new garage.

What special conditions and/or circumstances exist, as stated in Number 1 above, which do not result from the action of the applicant?

The plans were previously approved by OPHAB, and in good faith the applicants began construction. The Builder had unanticipated delays in the start date for the new garage, not due to the inaction of the applicants.

Will granting the requested variance confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures, or buildings in the same district?

No it will not, previous OPHAB approval simply expired.

STAFF USE ONLY:

Date received: _____

Variance requested from Section(s) _____ of the Land Development Regulations

Petition contains all required information:

☐ Yes ☐ No

Petition rejected:

☐ Yes ☐ No (see attached reason)

Petition accepted:

☐ Yes ☐ No Case #: _____

Special exception (if being sought concurrently):

#: _____

Site plan drawn to scale accompanies application:

☐ Yes ☐ No Date: _____



City of Ocala
Growth Management Department
201 S.E. 3rd Street, 2nd Floor
352-629-8404 | www.ocalafl.gov | gmd@ocalafl.gov

I, Nadia Briggs, as realator of Roberts Real Estate
(Name) (Title) (Entity Name)
1244 SE 7th Street, being first duly sworn, affirm and say that I am the owner of the
(State Registry & Type)
property described above.

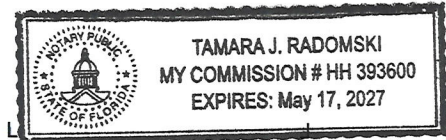
Owner's Signature: [Signature] Address 1244 SE 7th Street

STATE OF Florida COUNTY OF Marion Before me, this 30th day of June, 2025, personally
appeared Nadia Briggs who executed the foregoing instrument and acknowledged before me
that same was executed for the purposes therein expressed.

☒ Personally known or ☐ Produced Identification

Type of ID produced: _____

Signature of Notary: Tamara J. Radowski



Print Name: _____ My commission expires: _____

I, _____, am the legal representative of the applicant and am authorized to
speak on his behalf for the subject matter.

Agent's Mailing address: _____

City: _____

State: _____

Agent's Phone: _____

Agent's Email: _____

Agent's Signature: _____



City of Ocala

GROWTH MANAGEMENT DEPARTMENT
201 SE 3RD STREET, 2ND FLOOR
OCALA, FLORIDA 34471

September 8, 2025

Robert & Nadia Briggs
1244 SE 7th Street
Ocala, Florida 34471

RE: Approval of Certificate of Appropriateness Application
City of Ocala, Florida – Ocala Historic Preservation Board
Certificate of Appropriateness COA25-0022- Case File #256

Dear Mr. and Mrs. Briggs,

This letter confirms the approval of COA# 25-0022 for a property located at 1244 SE 7th Street, as required by Section 94-82, *Code of Ordinances, City of Ocala, Florida*, and other relevant provisions of Florida law. Said application was approved unanimously with conditions by the Ocala Historic Preservation Advisory Board for City of Ocala, Florida following a public hearing conducted on or about September 4, 2025. This approval covers the following improvements.

- to add a 1,344 square foot garage addition to the home with an associated recommendations for a variance request to reduce the rear setback from 25- feet to 3- feet and a variance request to reduce the street side yard from 25- feet to 18.5- feet.

Please note that building permits may be required in addition to this COA approval, and you or your contractor must submit building permit applications for the work identified in the COA, if building permits are required.

If you have any questions or need additional information, please contact my office at 629-8341 for assistance.

Sincerely,

Breah Miller, Planner II
Growth Management