



## Staff Report

Case #189

COA25-0028

Ocala Historic Preservation Advisory Board: September 4, 2025

**Petitioner/Property Owner:** David & Kim Gibas  
**Agent:** N/A  
**Project Planner:** Breah Miller, Planner II  
**Applicant Request:** After-the-fact approval for an above-ground pool and wood decking with an associated recommendation for a variance request to reduce the interior side setback from 8-feet to 2-feet, and a gazebo with an associated recommendation for a variance request to reduce the interior side setback from 8-feet to 5-feet.

### Parcel Information

Acres:  $\pm 0.13$  acres  
Parcel(s) #: 2820-022-005  
Location: 514 SE Sanchez Avenue  
Future Land Use: Neighborhood  
Zoning District: R-3, Multi-Family Residential District  
Existing Use: Single-Family Residence

### Background:

The home was constructed in 1929 using a Frame Vernacular building style. The home is a contributing structure to the Ocala Historic District.

Between November 2018 and April 2019, a gazebo was added to the rear yard without obtaining a Certificate of Appropriateness or a building permit, and has since been replaced with a new gazebo without proper approvals. Additionally, between April 2019 and August 2023, a wooden porch was removed in the side yard, and an above-ground pool was installed in its place without obtaining a Certificate of Appropriateness or building permits. A wooden deck was again constructed in the side yard around the pool, screening it from the front yard without a Certificate of Appropriateness. A code enforcement case was opened for the alterations on March 1, 2025.

The property is within the R-3, Multi-Family Residential, zoning district. According to Section 122-286 of the Ocala Code of Ordinances, R-3 zoned properties must have an interior side yard setback of 8-feet, which neither of these alterations meet. Therefore, under Article II, Division 4 of the Code of Ordinances, a variance is required from the Board of Adjustment to reduce the interior side setback for the above-ground pool and wood decking from 8-feet to 2-feet, and for the gazebo from 8-feet to 5-feet.

### Applicant Request:

The applicant is requesting after-the-fact approval for an above-ground pool and wood decking with an associated recommendation for a variance request to reduce the interior side setback from

8-feet to 2-feet, and a gazebo with an associated recommendation for a variance request to reduce the interior side setback from 8-feet to 5-feet.

## **Staff Analysis**

### **Certificate of Appropriateness Criteria for Decisions (Section 94-82(g)):**

The Code states that the Board may issue a certificate of appropriateness for the reconstruction, alteration, new construction, non-permanent structures, demolition, partial demolition, or removal of any building or structure within a locally designated historic district or any designated local landmark, or any other activity for which a CA is required, if such action is not deemed contrary to the purposes of historic preservation and to the special character of districts, sites and resources as designated specifically. The board's decisions will be based on the Secretary of the Interior's Standards, the city's Historic Preservation Design Guidelines, this chapter, and the following criteria:

1. Exterior alterations shall not diminish the architectural quality or historical character of the building or the building site.

*Above-ground pool and deck: A Frame Vernacular home typically features simple, functional designs using local materials. The above-ground pool is made from metal materials like the existing roof and is screened by a wood deck that connects to the side of the home. The wood deck and pool can be seen from SE Sanchez Avenue diminishing the historical character of the building and building site.*

*Gazebo: The gazebo does not align with the historical architecture of the home, reducing its historical quality. It uses materials that do not match the material of the home and is visible from SE Sanchez Avenue. These alterations diminish the architectural quality and historical character of both the building and the site.*

2. Sandblasting of any materials except for iron is prohibited.

*Not applicable; proposed alteration does not require sandblasting of any materials.*

3. Only through very controlled conditions can most historic building material be abrasively cleaned of soil or paint without measurable damage to the surface or profile of the substrate. Decisions regarding the proper cleaning process for historic structures can be made only after careful analysis of the building fabric, and testing. Generally, wet abrasive cleaning of a historic structure should be conducted within the range of 20 to 100 psi at a range of three to 12 inches.

*Not applicable; the request does not identify any abrasive cleaning.*

4. Landscaping, signs, parking and site development should be sensitive to the individual building and should be visually compatible with the buildings and environment with which they are visually related.

*The alterations include accessory structures located in the side and rear yards, both visible from SE Sanchez Avenue. The proposed gazebo and pool require an interior side yard setback of 8-feet. However, due to their placement and lack of proper approval in accordance with the Ocala Code of Ordinances, they do not meet the setback requirements. A variance application*

*must be submitted to the Board of Adjustment to reduce the interior side setback from 8-feet to 2-feet for the pool and deck, and from 8-feet to 5-feet for the gazebo.*

5. New construction shall be visually compatible with the buildings and environment with which the new construction is visually related. When an application involves new construction, the applicant may present conceptual plans to the board for review and comment before the application for a certificate of appropriateness is submitted and before construction drawings of the project are prepared. Aspects to be considered include:

- a. The height, volume, proportion between width and height of the facades, the proportions and relationship between doors and windows, the rhythm of solids and voids created by openings in the facades, the materials used in the facades, the texture inherent in the facades, the colors, pattern and trim used in the facades, and the design of the roof.

*Upon application submittal the applicant provided staff with the following dimensions: The gazebo stands about 8- feet- tall and is open on all sides. It measures approximately 13- feet in width and 10- feet in length. The pool, including its decking, is around 2- feet high and it measures approximately 13- feet in width and 13- feet in length.*

*On August 28, 2025, the applicant met with staff and submitted updated dimensions for the existing structures. According to the applicant, the pool is 2- feet deep. One-third of the pool deck measures 2- feet, 1 inch in height and 2- feet in depth. The backrest area, which constitutes another third of the deck, is 1- foot, 6- inches tall, while an additional third of the deck is 1- foot, 1- inch in height. The final third of the pool deck is reportedly open. The applicant also provided new dimensions for the gazebo. The gazebo is 8- feet tall, 9- feet wide, and 12- feet long. However, these dimensions appear inconsistent with the photographs submitted by the applicant and those taken by staff. Also, the measurements indicate that the pool deck is made up of Four- thirds. Staff were unable to verify the measurements, as the applicant denied unsupervised access to the site and indicated that the measurements were self-reported.*

- b. The existing rhythm created by existing building masses and spaces between them should be preserved.

*The structures do not embody the existing rhythm created by the existing building massing and do not preserve the rhythm in the spacing created by the surrounding area. The surrounding area features in-ground pools located in the rear yards, typically enclosed with aluminum fencing or screened enclosures.*

- c. Landscape plans should be visually compatible with the buildings and environment with which the landscaping is visually related.

*Not applicable; the request does not include any alteration to or additional landscaping.*

- d. Proportions of existing facades which are visually related shall be maintained when neighboring buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

*The gazebo does not align with the architectural style of the neighborhood or the existing buildings on the site, and it does not replicate the design of the current home.*

- e. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

*The gazebo will not feature the architectural characteristics or materials of the surrounding area. The wood deck extends from the rear wooden porch, while the metal material of the pool matches the existing metal roof and is screened by the wood deck.*

- f. Accessory structures shall be compatible with the scale, shape, roof form, materials, and detailing of the main structure to protect the historic integrity of the neighborhood. The accessory structure shall not exceed the maximum height allowed by the applicable zoning or the height of the existing primary structure.

*The proposed gazebo and pool require a side setback of 8-feet. However, their placement and lack of proper approval according to the Ocala Code of Ordinances mean they do not meet the setback requirements. A variance application must be submitted to the Board of Adjustment to reduce the interior side setback from 8-feet to 2-feet for the pool and deck, and from 8-feet to 5-feet for the gazebo.*

**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.

**Sec. 122-94. - Procedure for approval.**

A variance from the terms of this chapter shall not be granted unless and until:

- (1) A written application for a variance is submitted demonstrating that:

- 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.
- 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.
- c. The special conditions and circumstances mentioned in subsection (1)a of this section do not result from the action of the applicant.
- 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.
- e. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts, shall be considered grounds for the issuance of a variance.

- (2) Notice of public hearing on the variance shall be given in the manner prescribed in Section 122-113(2).

- (3) The public hearing shall be held. Any party may appear in person or by agent or attorney.

- (4) The board of adjustment shall make findings that the requirements of subsection (1) of this section have been met by the applicant.
- (5) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general intent and purpose of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Staff Recommendation:**

**Not Appropriate**

- 1. A recommendation to apply for a Variance is required by separate action from the Ocala Historic Preservation Advisory Board**