

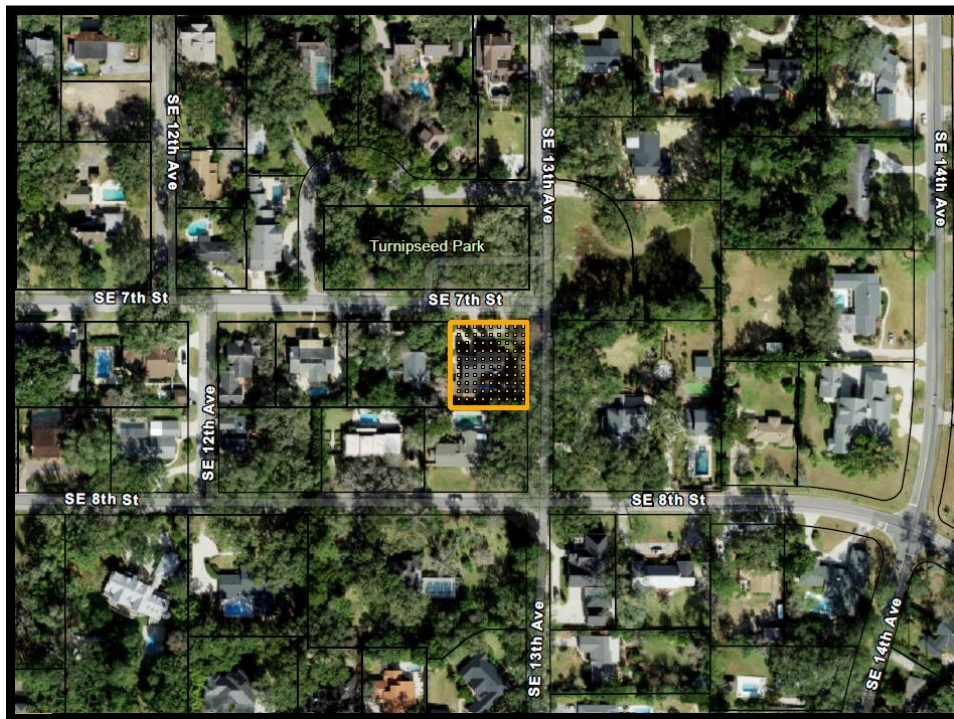


Applicant: Robert & Nadia Briggs
Property Owner: Robert & Nadia Briggs
Project Planner: Breah Miller, Planner II
Applicant Request: Variance to reduce the street side yard setback from 25 feet to 18.5 feet and to reduce the rear yard setback from 25 feet to 3 feet.

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