



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

[www.ocalafl.gov](http://www.ocalafl.gov)

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**Monday, October 28, 2024**

**5:30 PM**

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**1. Call To Order**

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

**Present:** Chairman James Hartley  
George Carrasco Jr.  
Vice Chair Dustin Magamoll  
Rusty Juergens  
Brent Malever

**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 October 11, 2024.

a.

**Attachments:** [BOA Proof 10282024](#)

**3. Approval of Minutes**

There being no further discussion the motion carried by roll call vote.

**RESULT:** APPROVED

**MOVER:** Dustin Magamoll

**SECONDER:** Rusty Juergens

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

a.

**Attachments:** [7-15-24 BOA Minutes.pdf](#)

**4. Special Exception**

a. **A-DENIV Corp / SE24-45761**

**Attachments:** [SE24-45761 Staff Report](#)  
[SE24-45761 Conceptual Plan](#)  
[SE24-45761 Conceptual Elevations](#)  
[SE24-45761 Case Map A Deniv Corp](#)  
[SE24-45761 Aerial Map A Deniv Corp](#)

Emily Johnson, Senior Planner displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SE24-45761.

William Menadier, Menadier Engineering, 13800 Tech City Circle, Alachua, FL, 32616 said he accepts all the conditions that are in the staff report.

Mr. Magamol asked for the buffering requirement along US Highway 27. Mr. Menadier responded they are providing a twenty-foot street widening setback, twenty five-foot rear yard setback, ten-foot landscape buffer around the perimeter and a eight-foot yard setback on the east side. Ms. Johnson said they would have to provide a five-foot wide landscape buffer between the parking area and US Highway 27.

Mr. Juergens said the landscape buffers would have to be maintained. Ms. Johnson replied it would be a Code Enforcement issue if the landscape buffers are not maintained.

Mr. Magamoll asked if City Council denied the request. Ms. Johnson replied the rezoning was denied, but indicated the special exception would be more appropriate for the use.

Aubrey Hale Planning Director said going through special exceptions allows to add extra conditions. Mr. Juergens asked for the future plan. Mr. Hale replied the City is going through a 2050 vision update and includes corridor enhancements and the gateways coming into the city.

Mr. Malever asked about the traffic. Mr. Menadier replied it is about 1.1 pm trips per unit and increasing by fifteen to sixteen trips and the access would be off of Blichton Road.

Craig Smith from Habitat Circle said their view is going to be blocked and Blichton Road will be more congested with the new development.

Glory Smith from Habitat Circle said it is a bad idea because there are a lot of kids in the neighborhood and there is no space for the apartments.

Mr. Carrasco asked what the B-4 property is zoned for without any special exceptions. Ms. Johnson replied B-4 is a general business district and zoned for car wash, restaurants, hotel, auto supply store, building material store, department store, pawn shops and a drug store. Mr. Carrasco opinioned that an apartment building is less intensive then a fast food restaurant, or Dollar General and better for the neighborhood.

Mr. Menadier said commercial uses would be more intense and generate more traffic than a 14 unit townhome/apartments. Mr. Carrasco asked how his development enhance the safety of the children in the neighborhood. Mr. Menadier replied that they are providing sidewalks and fencing as opposed to the existing grassy shoulder.

Motion to approve SE24-45761 a request to allow multi-family dwellings in the B-4 General Business, zoning district, for property located at the southeast corner of the intersection of US Highway 27 and NW Old Blichton Road (Parcel 22276-000-00) approximately 1.20 acres.

**RESULT:** APPROVED  
**MOVER:** George Carrasco, Jr.  
**SECONDER:** Brent Malever  
**AYE:** Chairman Hartley, Carrasco and Malever  
**NAY:** Vice Chair Magamoll and Juergens

b. **Legacy View Church / SE24-45800**

**Attachments:** [Staff report-SE24-45800 Legacy View Church newest wLegistar edits LEGACY-VIEW-CHURCH-SUP](#)  
[Resident Response-SE24-45800](#)  
[SE24-45800 Case Map Legacy View Church](#)  
[SE24-45800 Aerial Map Legacy View Church](#)

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 SE24-45800.

Mr. Carrasco asked if there was going to be outreach to the community. Pastor Danny Nunn, 1734 and 1748 W. Silver Springs Boulevard responded there is no plan for outreach yet, but their main focus is to establish a sanctuary place to worship.

Richard Ray James, 1717 SW Fort King Street, Ocala, FL, said he wanted to know the days and the times of church service. He has been there 26 years and wants to know if there will be sidewalks and a fence.

Chief Planning Official Endira Madraveren said 1717 SW Fort King is one of the four properties in between the two parcels. Mr. Carrasco asked if he is in between the two subject parcels. Ms. Madraveren replied yes in between the two yellow squares.

Carla Nunn, 1734 and 1748 W. Silver Springs Boulevard said the church service hours will be Sunday 10:30 am to 2 pm, Monday thru Friday 8 am to 7 pm and no service on Saturdays.

Growth Management Director Jeff Shrum said the times of service are applicable is if we put a condition on the service hours. Mr. Carrasco asked what if the hours change. Mr. Shrum responded it can be added as a condition and come back through a future special exception to be reviewed. Mr. Hartley asked if the place of worship allows for a daycare. Mr. Shrum replied not as a stand alone principal use, and that it would have to be associated with the service.

Tina Albritton, 6183 NW 60th Street, Ocala, FL, said she donated the property to the church and hopes they can open the church for the West side of Ocala.

Mr. Hale said he needed clarification on the wall that separates Mr. James property. Mr. Sexton asked if the proposed fence is compliant with the setback requirements for the church parcel. Mr. Hale replied yes and all improvements would be reviewed through the

site plan process.

Mr. James said he would not like a fence because there will be a problem with the trash. Pastor Nunn said he was fine not putting a fence.

Mr. Juergens asked about Mr. James setbacks from the church property line. Mr. Hale replied it is about fifteen- feet and if a fence goes in it would five- feet.

Motion to approve a request to allow a church/place of worship in the R-2, Two-Family Residential, zoning for property located at 1734 and 1748 West Silver Springs Boulevard (Parcel 22714-000-00 and 22715-000-00); approximately 1.05 acres with a revision on number five to read: The site plan must include a 10 foot wide landscape buffer and may include six foot wall or fences.

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Dustin Magamoll

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

c. Guinn III Properties, LLC / SE24-45855

**Attachments:** [SE24-45855 Staff Report](#)  
[SE24-45855 Site Plan](#)  
[SE24-45855 Legal Description](#)  
[SE24-45855 Parking Analysis](#)  
[2023 Concept Plan](#)  
[SE24-45855 Case Advanced Tire](#)  
[SE24-45855 Aerial Advanced Tire](#)

Planner II Brea Miller displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SE24-45855.

Mr. Carrasco asked if there was a list of what they are able to do and not do. Ms. Miller replied the previous conditions were carried over from 2023. Mr. Magamoll asked if every condition that was approved in 2023 was moved to now. Ms. Miller replied yes, except for the six month submittal deadline for the site plan, because it is currently under review. Mr. Magamoll asked if the square footage is added. Ms. Miller responded yes, it was approved for 15,000 square feet and now they are proposing 35,000 square feet and it will be phased out. Mr. Magamoll asked if the special exception is for the expansion. Ms. Miller replied it is for the modification and a parking reduction. Mr. Magamoll asked for the allowed square footage for parking. Ms. Miller replied per the Code of Ordinance, 37 parking spaces are required. Mr. Juergens asked if the street is residential or industrial. Mr. Hale replied the project went through the West Ocala CRA Catalytic grant which will include some beautification.

Jose Lopez, Kimley Horn, 1790 SE 17th Street, Ocala, FL said he was available to answer questions.

Motion to approve SE24-45855 a request to allow a repair garage and associated parking in the B-4, General Business zoning district, for property located at 2199 NW 10th Street, approximately 4.84 acres.

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Rusty Juergens

**AYE:** Carrasco, Vice Chair Magamoll, Juergens and Malever

**RECUSED:** Chairman Hartley

**5. Public Comments**

None.

**6. Staff Comment**

Mr. Shrum said there will be a short meeting to get a training on Sunshine Laws, board roles, and staff roles before the end the end of the year. He said Code Enforcement, Board of Adjustment, Planning and Zoning are the boards that he wants to prioritize to get them out of the way and the CRA Boards later.

**7. Board Comment**

Mr. Hartley welcomed Mr. Malever to the board and asked if there were any vacancies. Ms. Madraveren replied there are two vacant positions for the Board of Adjustment.

**8. Next Meeting: Monday November 18, 2024 at 5:30 PM**

**9. Adjournment**