



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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

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**Monday, July 15, 2024**

**5:30 PM**

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#### 1. Call To Order

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

- a. Pledge
- b. Roll Call

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

#### 2. Public Notice

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 June 28, 2024.

a.

**Attachments:** [Proof Star Banner Ad BOA July 15 2024](#)

#### 3. Approval of Minutes

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

**RESULT:** APPROVED

**MOVER:** Rusty Juergens

**SECONDER:** George Carrasco, Jr.

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

**Attachments:** [3-18-24 Meeting Minutes.pdf](#)

#### 4. Variance

a.

Andy J. Tingue/VAR24-45701

**Attachments:** [Staff Report Tingue VAR24-45701](#)  
[Exhibit A - 1990 Pond Expansions](#)  
[Exhibit B - FEMA Map](#)  
[Exhibit C Tingue Photos](#)  
[Exhibit D - Elevation Certificate with photos of the new house](#)  
[FloodPlainAdministratorNotice-7-10-24](#)  
[VAR24-45701 Case Map](#)  
[VAR24-45701 Aerial Map](#)

City Projects Director Tye Chighizola provided a brief overview of a request for a variance to reduce the base flood elevation from 83.1 feet to 78.1 feet for the property located at 3713 SE 8th Street (Parcel # 27711-000-00); approximately .49 acres. During a severe storm in June 2023, a tree fell on the house, causing significant damage and injuring an occupant. The family had to temporarily move into Recreational Vehicles on the property until the house was repaired or rebuilt. In October 2023, it was determined that the house was beyond repair, and the homeowner, facing a challenging situation, submitted plans to rebuild the house with a footprint of 63 feet wide by 49 feet deep.

City Engineer Director, Flood Plain Administrator Sean Lanier stated that topographically it is difficult to work with flood ordinances on a half acre lot. If a property is elevated five feet, the property owner would need to provide compensatory storage.

Mr. Juergens asked if FEMA flood plains reports changes every 5-6 months. Mr. Lanier replied no, they come through every so often. Mr. Lanier provided a brief history of the A zone area and stated that the goal is to get everyone out of the flood hazard area. Mr. Lanier mentioned that a long-term solution may include expanding the existing water retention facilities and submitting a Letter of Map Amendment (LOMA) to remove the properties from the floodplain.

Mr. Chighizola said the customer has a temporary C.O. (Certificate of Occupancy) because of the circumstance process, but that is why there is a request for a variance.

Mr. Magamoll asked if the problem was the expedited permitting process. Mr. Chighizola replied yes, it came through permitting as a rebuild and should have been looked at when the new plans came into the department. Mr. Carrasco asked if the applicant had to pay for permit fees. Mr. Chighizola replied the City covered the permitting fees.

Michael W. Chuchian, 3726 SE 7th Street, Ocala, FL, said he lives in the neighborhood and in 2010 he went through the same scenario and the variance was denied. The house caught on fire and was demolished. Mr. Chuchian said the applicant is not required to have flood insurance, but everyone else does. A owner/builder permit should not exceed \$75,000.00 and he has \$200,000.00 in value. The house was 2,032 square feet and now it is 3,108 square feet and all the fees were waived. Mr. Chuchian said he built his house out of the flood zone because the City would not allow to build on that property, so he brought 300 hundred loads of dirt and a stone wall to be able to build on his property.

Mr. Carrasco stated that the Board should move forward with the application and let the City sort it out.

Mr. Lanier stated that the applicant is still in the floodplain, and the recordings will have to be done on his property. It does penalize the homeowner for the variance. A packet was sent via certified mail to the homeowner and warns him of the increased risk of flooding and the flood insurance will be a higher rate. A house that is valued at \$250,000.00 will have to pay \$62,000.00 a year for flood insurance.

Mr. Chighizola said he did not see a variance request in the record for 3726 SE 7th Street, Ocala, FL, in 2010.

Mr. Hartley asked if the construction was done before the variance request at no fault of the applicant. Mr. Chighizola replied yes.

Motion to approve VAR24-45701, with conditions of a Certificate of Occupancy must be issued within 60 days of the Board of Adjustment's approval, or this Variance will expire, add a slab for the air conditioning system, applicant must comply with the recording requirements of 90.17 (h) (3) & (4).

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Dustin Magamoll

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

**5. Public Comments**

None.

**6. Board Comments**

None.

**7. Staff Comments**

Mr. Chighizola said staff is still trying to get additional board members. A proposal went through City Council to reduce the board down to five members instead of seven. City Council decided to keep it at seven, but members can serve on the Planning and Zoning and the Board of Adjustment. Mr. Chighizola stated the ordinance was changed, some requirements were taken out, and now you just have to be a registered voter to serve on either board.

Mr. Carrasco asked about the financial disclosure. Mr. Chighizola replied there has been some changes since the last time.

Mr. Carrasco asked about the number of members on the other boards. Mr. Chighizola said most of the boards are seven and the smaller boards may have five. Mr. Carrasco asked if a Zoom meeting was possible. Mr. Chighizola replied that he did not think that a zoom meeting was possible, but dates can be pushed back.

Growth Management Director Jeff Shrum said staff is trying to get the vacant positions filled and it is really important to know in advance if someone is going to be absent. Mr. Shrum said he will ask the City Attorney whether a Zoom meeting can be done.

**8. Next Meeting: August 19, 2024**

**9. Adjournment**