



Ocala

Board of Adjustment

Minutes

110 SE Watula Avenue
Ocala, FL 34471

www.ocalafl.gov

Monday, April 20, 2026

5:30 PM

1. Call To Order

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

Present: Rusty Juergens
Ethan White
Brent Malever
Dustin Magamoll
James Hartley
Erica Gibb

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 April 3, 2026.

- a. BOA Ad Proof

Attachments: [BOA Draft Ad 04202026 PROOF](#)

3. Approval of Minutes

- a. March 16, 2026 Final Minutes

Attachments: [March 16, 2026 Final Minutes](#)

RESULT: APPROVED

MOVER: Brent Malever

SECONDER: Dustin Magamoll

AYE: Juergens, White, Malever, Magamoll, Hartley and Gibb

ABSENT: Carrasco

4. Special Exception

- a.

Attachments: [SE26-0004 Staff Report](#)
[SE26-0004 Letter of Objection](#)
[SE26_0004_Case](#)
[SE26_0004_Aerial](#)

Chief Planning Official, Endira Madraveren displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact

for SE26-0004.

Mr. Malever asked for clarification on the fire departments comments. Endira reread the comments from the staff report and explained that the Fire Department is requesting the existing cross-access connection to the west remain in place. She further stated if a cross-access easement does not currently exist, one shall be provided during site plan approval in accordance with the staff conditions.

Ms. Gibbs asked whether there was only one ingress and egress point at the rear of the property. Endira stated there are three points of ingress and egress: one from State Road 40, one connecting to the property to the east, and one providing cross access to the rear of the property further to the north. Planning Director, Aubrey Hale stated a minimum 20-foot-wide cross-access aisle is required to accommodate sufficient two-way traffic. Mr. Hartley asked whether a truck would be able to pass through the 15-foot-wide area if there was no oncoming traffic. Mr. Hale responded that it would.

Mr. Hartley asked whether a single-family residence or duplex would be permitted by right under the zoning district. Endira responded that they would. Mr. Hartley then asked whether a motel would also be permitted. Endira stated she believed it would be but would need to verify. Mr. Hartley asked whether, if that were the application, a similar footprint and design to the one being proposed could be developed by right. Endira responded that site plan approval would still be required.

Mr. Hartley stated one of the letters of objection raised concerns regarding privacy and the ability to see into the neighboring yard. He noted there appeared to be mature trees in the area and asked whether they were located on the applicant's property. Endira stated, based on her site visit, the trees appeared to be located within the adjacent residential yard. Mr. Hartley also referenced a comment in one of the objection letters regarding the requirement to find the proposed special exception is compatible with the surrounding area. Endira responded that the applicable findings and criteria for consideration are outlined in the staff report.

David Tillman, Tillman and Associates engineering 1727 SE 16th Ave Building 100 Ocala, FL stated that Fire Rescue had indicated they had no issues with the proposal. He explained that providing a cross-parcel access easement would be difficult, as property owners are generally unwilling to grant access rights over their property. He further stated that the existing cross-access connection would not be closed because doing so would not meet Fire Code requirements. According to Mr. Tillman, the adjacent property relies on the access through the subject site for fire circulation, as a fire truck cannot enter their site and back out without the through connection. He noted that both properties benefit from maintaining the shared access. Addressing concerns raised in a letter of objection regarding compatibility, Mr. Tillman stated there is already a two-story residential structure in the area and the type of activity being proposed currently exists on both sides of the property. Mr. Tillman explained the proposal would maintain the 20-foot-wide drive aisle and convert a portion of the area into five parallel parking spaces. He stated that this configuration would result in 46 parking spaces being provided, whereas 51 spaces are required. He noted staff may allow up to a 10 percent

parking variation and that the parking deficiency could be addressed through a parking study or parking statement demonstrating that the additional spaces are not necessary. Mr. Tillman also stated the proposed units are studio apartments intended to provide housing for individuals undergoing rehabilitation. He explained that residents typically do not own vehicles and, therefore, the reduced number of parking spaces would not create an issue. Mr. Tillman then addressed several of the staff conditions and requested modifications. He stated that compliance with Condition 3 would require removing a portion of the building, which was not a feasible option. He requested that Condition 4 be removed, arguing that the adjacent properties rely on the shared access just as much as the subject property. He also requested modification of Condition 5 to allow the proposed 46 parking spaces rather than the required 51 spaces. Finally, he requested that Condition 8 be removed, stating that internal sidewalks were not necessary and should not be required as part of the approval.

City Attorney Will Sexton stated while he understood that obtaining a cross-access easement from a neighboring property owner may be a significant request, the situation described appeared to be exactly the type of scenario where reciprocal easements would be appropriate. He explained if both properties rely on the shared access, legal documents granting cross-access easements to one another in perpetuity would help ensure that future redevelopment of either property could not eliminate the access needed by the other. Mr. Tillman responded the City should have required such easements before any of the existing developments were constructed.

Mr. Hartley stated based on his experience, the owner of the property to the west would have little motivation to grant a cross-access easement unless they were pursuing redevelopment and also needed the access at that time. He noted that if the subject property is the only one currently seeking approval or requiring the access, the neighboring property owner could use that circumstance as leverage and may have no incentive to grant the easement.

Mr. Hartley asked Mr. Tillman whether any parallel parking was being proposed in the alley area between Buildings 1 and 2.

Mr. Tillman responded the proposed parallel parking spaces would instead be located between the proposed building and the parking lot to the south..

Mr. Hartley stated he noticed in the Code that a transitional recovery facility or transitional treatment facility may be permitted by right. He asked whether the property owner had explored whether either of those classifications would be applicable to the proposed use. Mr. Tillman responded they had not, explaining that the proposal is intended to provide housing for individuals associated with recovery programs. He stated that residents may continue to live there after they have completed or aged out of a recovery program, so the housing is intended to serve not only individuals currently participating in such programs but also those who have transitioned out of them.

Mr. Magamoll stated that, on the north side, it appears that parking spaces are being eliminated. Mr. Tillman responded that the parking spaces would not be feasible in that area due to buffering and landscaping requirements, which also serve to provide

additional screening for the adjacent property owner who submitted a letter of objection.

Mr. Hartley asked, regarding the objection to Condition 3, whether the concern was limited to existing buildings, while any future parking or buildings constructed thereafter would still be required to comply with the condition. Mr. Tillman responded that was correct.

Ms. Gibbs asked whether, in terms of the spacing requirements, an existing building would need to be removed in order to comply, noting there would only be a 15-foot separation. Mr. Tillman responded that this was correct. He explained that, as shown between Building 1 and Building 2, one of the criteria supporting the City's recommendation for denial was that there was not a full 20-foot separation between those two buildings.

Mr. Magamoll inquired about the 10% variance allowance for parking stalls. Planning Director, Aubrey Hale responded that the variance pertains to the total number of required parking stalls. He explained that reductions of less than 10% can be handled administratively, while any reduction greater than 10% would require review by the Planning and Zoning Commission through a public hearing. He further noted that one of the conditions applied is a verification of parking through a general parking study or statement, which allows staff to analyze how parking calculations are being conducted and ensure that an adequate number of parking spaces are provided during the site review process.

Mr. White asked whether the City had any primary concerns if the project were approved and whether the conditions identified by Mr. Tillman could be modified as proposed. Aubrey responded one of the main concerns would be access to the rear of the site. Mr. Tillman presented a cross-access solution. Aubrey noted that if the cross-access can be verified, it could be added as a modification to the existing conditions. He stated that confirmation of cross-access would be sufficient to address the concern. The primary issue is ensuring adequate access in the event of a traffic incident within the 15-foot section, allowing continued access to the rear of the building.

Mr. Hartley asked about the width of the cross-access. Planning Director Aubrey Hale responded that it appears to be approximately 7 feet on either side.

Mr. Hartley asked whether the City agrees that the structure to the west of the proposed structure is already being used for residential purposes. Endira responded she believed it was, based on her review of building permits for the structure. She noted residential building permits had been pulled for the second story of that structure. She also stated there is an existing residence in Building 2 on the second story.

Mr. Hartley stated he understood a recommendation of denial when there is a lack of compatibility with the code and conditions are imposed, but noted it appeared the identified issues could be addressed through the recommended conditions. He asked whether there was any reason for a recommendation of denial rather than approval with conditions. Aubrey responded that cross-access was the primary concern. He stated the

City would be in support of either option, but that approval with conditions modified based on the information provided during the meeting would be appropriate. He further explained that throughout the review process, the concern was not the proposed use itself, but rather inconsistencies with the code requirements.

Mr. Hartley inquired about the sidewalk condition and what internal sidewalks would look like. Aubrey responded the improvements would likely consist of striping to identify pedestrian pathways, including crosswalks that connect to existing sidewalks. He explained marking these crosswalks between buildings would help establish and clarify circulation patterns throughout the site.

Jeff Rumbach, 3318 NE 7th Lane Ocala, FL stated they have an ongoing situation with the property owner to the west, as it was promised that no windows would face his property had a situation with the previous owner worked with local residents, the house behind the property. The only window that was asked for was a little window due to a bathroom. They have added three to four windows on the backside of the building and it invaded their privacy so they had to put shrubbery.

Mr. Tillman stated they do not own the building behind Mr. Rumbach's residence.

Mr. Hartley asked Mr. Tillman would have any objection if the city were to impose crosswalks. Mr. Tillman stated no.

Mr. Hartley stated one of his primary concerns was the chokepoint between Buildings 1 and 2. Although it is not a long thoroughfare, he noted if someone were parked in that area and an emergency occurred, an emergency vehicle could have difficulty accessing the site. He asked whether there was anything that could be done to ensure no parking would occur in that location. Mr. Tillman responded that he has never observed anyone parked there.

Mr. Magamoll asked Mr. Tillman to elaborate on the landscape buffer. Mr. Tillman responded stating the plan is to plant something that is fast growing.

Mr. Harley stated staff recommendations 1, 2, 4, 5, 6, 7, and 9 should remain as proposed. For recommendation 3, Mr. Harley suggested modifying the condition so it applies only to newly constructed parking spaces and driveway access aisles to ensure compliance requirements do not create undue hardship for existing conditions. For recommendation 8, Mr. Harley recommended revising the language to refer to pedestrian pathways. Mr. Harley also recommended adding a condition requiring the area between Buildings 1 and 2 to be designated as a no-parking area through signage, pavement markings or striping.

Motion to approve SE26-0004 with proposed conditions.

RESULT: APPROVED

MOVER: Brent Malever

SECONDER: Dustin Magamoll

AYE: Juergens, White, Malever, Magamoll, Hartley and Gibb

ABSENT: Carrasco

5. Public Comments

None.

6. Staff Comments

None.

7. Board Comments

None.

8. Next Meeting: TBD

9. Adjournment

Meeting adjourned at 6:38PM.