



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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

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**Monday, March 18, 2024**

**5:30 PM**

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**1. Call to Order**

**Present:** Chairman James Hartley  
William R. Futch  
Rusty Juergens  
George Carrasco Jr.

**Absent:** Vice Chair Dustin Magamoll

a. Pledge

b. Roll Call for Determination of a Quorum

**Present:** Chairman James Hartley  
William R. Futch  
Rusty Juergens  
George Carrasco Jr.

**Absent:** Vice Chair Dustin Magamoll

**2. Public Notice**

a.

**Attachments:** [Final Ad BOA 03182024.pdf](#)

**3. Public Comments**

**4. Consideration of the Minutes**

a.

**Attachments:** [12-18-23 BOA Minutes.pdf](#)

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Rusty Juergens

**AYE:** Chairman Hartley, Futch, Juergens and Carrasco

**ABSENT:** Vice Chair Magamoll

**5. Special Exceptions**

a. G & G Holding and Trust LLC / SE23-45207

**Attachments:** [SE23-45207 Staff Report](#)  
[G & G Holding and Trust \(Petition for Relief ADR - 70.51\)](#)  
[FLUEDRA Settlement Agreement](#)

City Attorney Will Sexton provided a brief overview of the request to allow a Day Care Facility in R-2 and the Mediated Settlement Agreement between the City of Ocala and G & G Holding and Trust, LLC. During the proceeding the two parties granted were able to come to an agreement on acceptable conditions for the Special Exception.

Fred Roberts, 40 SE 11th Avenue, Ocala, FL, provided a brief overview of the results of Mediated Settlement Agreement. The hours of operation were set to 6 am and 6 pm, the dumpster will be screened from view, the trash pick up will take place after 7 am, and a fence will be installed on the north if a single-family residential dwelling is constructed.

Mr. Carrasco asked about the contact process for the FLUEDRA Special Magistrate Hearing. Mr. Roberts replied that the City sent the notice by regular mail. Mr. Robert's office sent a letter that was registered and returned. An additional letter was sent through Fedex and the letter was refused.

Mr. Hartley asked about the vacant land on the north side. Mr. Robert's replied it's a vacant wooded lot and if it's developed, a fence will be installed.

Anthony Collins, 1425 NW 16th Court, Ocala, FL, said he did not know the origin of the letter because he receives everything from the state by regular mail. Mr. Collins stated that he does not have an option to move and the daycare will increase traffic, noise, and the property values will go down.

Mr. Carrasco stated there was no excuse for Mr. Collin's not being present at the FLUEDRA Special Magistrate Hearing when everyone else was able to attend.

Mr. Collins asked if the days of operation were Monday through Friday or Sunday. Mr. Sexton replied Monday through Friday for the daycare.

Motion to approve SE23-45207 adding the days of operation 1f. and deleting 1i. condition in its entirety.

**RESULT:** APPROVED

**MOVER:** William R. Futch

**SECONDER:** George Carrasco, Jr.

**AYE:** Chairman Hartley, Futch, Juergens and Carrasco

**ABSENT:** Vice Chair Magamoll

**b.** Ashcroft Properties / SE24-45543

**Attachments:** [SE24-45543 Staff Report](#)  
[SE24-45543 Case Map Avalon](#)  
[SE24-45543 Aerial Map Avalon](#)  
[SE24-45543 CONCEPT PLAN SHOWING MODIFIED BUILDINGS APPROVAL LETTER SE19-0004 FOR REFERENCE ONLY](#)  
[BACKUP SE19-0004 FOR REFERENCE ONLY](#)  
[SE04-0004 BOA MINUTES 05-24-04 FOR REFERENCE ONLY](#)

Senior Planner Emily Johnson provided a brief overview of a request to allow multi-family dwellings in B-4, General Business zoning district, for property located at 3415 W. Anthony Road.

Miles Anderson, Consulting Engineers, 1515 E. Silver Springs Boulevard, Ocala, FL, said he agreed with the presentation and was available to answer any questions.

Motion to approve SE24-45543 with conditions.

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Rusty Juergens

**AYE:** Chairman Hartley, Futch, Juergens and Carrasco

**ABSENT:** Vice Chair Magamoll

c. Creative Learning Preschool, LLC / SE24-45530

**Attachments:** [Staff Report](#)  
[Application](#)  
[Aerial Map](#)  
[Case Map](#)

Planner II Breah Miller provided a brief overview of a request to allow daycare facility in M-1, Light industrial zoning district, for property located at 5285 SW 1st Lane.

Kayla Berg, 5285 SW 1st Lane, Ocala, FL, said Ms. Miller did a good job on her presentation and she is available to answer questions.

Motion to approve SE24-45530 with conditions.

**RESULT:** APPROVED

**MOVER:** William R. Futch

**SECONDER:** Rusty Juergens

**AYE:** Chairman Hartley, Futch, Juergens and Carrasco

**ABSENT:** Vice Chair Magamoll

6. **Variances**

a. 4 Sisters Land Holdings, LLC / VAR24-45542

**Attachments:** [Staff Report](#)  
[Aerial Map](#)  
[Case Map](#)  
[Approved OHPAB Application](#)  
[OHPAB Staff Report](#)

Ms. Miller provided a brief overview of a request to reduce the rear setback from twenty-five-feet (25') to nine-feet (9') in R-3, Multi-Family Residential zoning district, for property located at 122 SE Wenona Avenue.

Chief Planning Official Endira Madraveren said staff realized there was misrepresentation in the staff reports. The proposed addition is 18 feet from the street side from the right of way. Planning Director Aubrey Hale said the applicant could apply for administrative variance to allow the street side setback reduction of 18-feet from the required 20-feet.

Toby Kelly, Pat Kelly Builder, 8085 NW 120th Street, Reddick, FL said he was available to answer questions.

Motion to approve VAR24-45542 with the conditions.

- RESULT:** APPROVED
- MOVER:** William R. Futch
- SECONDER:** George Carrasco, Jr.
- AYE:** Chairman Hartley, Futch, Juergens and Carrasco
- ABSENT:** Vice Chair Magamoll

**7. Staff Comments**

**8. Board Comments**

**9. Elections**

a. Chair

Mr. Futch made the motion to appoint James Hartley as Chair.

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

- RESULT:** APPROVED
- MOVER:** William R. Futch
- SECONDER:** George Carrasco, Jr.
- AYE:** Chairman Hartley, Futch, Juergens and Carrasco
- ABSENT:** Vice Chair Magamoll

b. Vice Chair

Mr. Futch made the motion to approve Dustin Magamoll for Vice Chair.

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

- RESULT:** APPROVED
- MOVER:** William R. Futch
- SECONDER:** George Carrasco, Jr.
- AYE:** Chairman Hartley, Futch, Juergens and Carrasco
- ABSENT:** Vice Chair Magamoll

**10. Next Meeting: April 15, 2024**

Ms. Madraveren stated there will not be a Board of Adjustment Meeting in April.

**11. Adjournment**