



# Ocala

## Board of Adjustment

### Minutes

110 SE Watula Avenue  
Ocala, FL 34471

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

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**Monday, September 15, 2025**

**5:30 PM**

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1. Call To Order

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

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

**Excused:** Rusty Juergens

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 August 29, 2025.

- a. Ocala Gazette Ad

**Attachments:** [BOA Draft Ad PROOF 09152025](#)

3. Approval of Minutes

- a. December 16, 2024, Meeting Minutes

**Attachments:** [December 16, 2024 Meeting Minutes.pdf](#)

**RESULT:** APPROVED

**MOVER:** Brent Malever

**SECONDER:** George Carrasco, Jr.

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

**EXCUSED:** Juergens

- b. April 21, 2025, Meeting minutes

**Attachments:** [April 21, 2025 Meeting Minutes.pdf](#)

**RESULT:** APPROVED

**MOVER:** Dustin Magamoll

**SECONDER:** Brent Malever

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

**EXCUSED:** Juergens

4. Special Exception

a.

**Attachments:**    [SE25-0005 Staff Report](#)  
                              [SE25-0005 Case Map](#)  
                              [SE25-0005 Aerial Map](#)  
                              [Concept Plan](#)  
                              [Letter to BOA](#)  
                              [American Tower Confirmation & FCC Permit](#)

Senior Planner, Emily Johnson, displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for SE25-0005.

Mr. Hartley asked for clarification on whether approval of the tower would allow an expansion of the church. Emily responded the tower is being considered as its own use. She further clarified that the special conditions identify that the proposal does not change or expand the existing use.

Mr. Carrascao asked how many 100-foot towers are located within the City of Ocala in residential areas. Emily responded that she did not have that information available at that time.

Myron Loss, 3408 NE 23rd Avenue, Ocala, stated his request is not for the benefit of the church or himself, but for the people of Ocala. He explained that they hope to reach the entire city, and with a 100-foot tower they expect to reach approximately four miles. He noted that American Tower Company would charge \$2,400 per month to place an antenna on their tower, which they cannot afford. Their goal is simply to share the good news. The station transmits in Spanish from 1:00 a.m. to 12:30 p.m., with the remainder of programming in English. He added that it is a Christian station with no preaching, and that if the tower were to fall, it would fall entirely on their property.

Mr. Hartley asked what the current broadcast radius is and what the increase would be with the proposed tower. Mr. Loss responded that their current radius is approximately one mile, and with the tower it would extend to about 3.7 miles. Mr. Hartley then asked whether the additional radius could be achieved without a 100-foot tower. Mr. Loss stated that it could not, explaining that the trees absorb much of the signal before it can travel farther.

Mr. Hartley asked whether they had any intention of leasing space on the tower to a telecommunications company. Mr. Loss stated that they do not, as they are not in the commercial business..

Mr. Magamoll asked about the cost of the tower and its construction. Mr. Loss stated that the tower has already been purchased and that the remaining expense is the rental of the crane needed for installation.

Clark Ryman, 79 Almond Drive, Ocala, pastor of Free Will Baptist Church, stated that as a nonprofit, they are doing everything in their ability to spread the message of Jesus

Christ. He expressed support for the radio station, noting that its bilingual programming is a valuable resource. He emphasized that this effort is not about money, but about advancing the cause of Christ.

Mr. Carrasco asked for clarification regarding the denial. Emily stated that the proposal does not meet the locational criteria outlined in Section 122-1043, which requires a minimum distance of one-half mile from another existing tower. Mr. Carrasco asked how far the site is from the nearest existing tower, and Emily responded that it is within one-quarter mile. Mr. Carrasco then inquired about the reasoning for that specific distance. Emily explained that, to her understanding, the requirement is intended to prevent an over-concentration of towers in one area. Mr. Carrasco asked if this was related to visual impact, and Emily confirmed that it was. Mr. Carrasco commented that in other ordinances, such as downtown regulations for bars, the distance requirements can be relaxed, suggesting it seems rules can be bent selectively. Emily referred the question to City Attorney, Mr. William Sexton, regarding whether the board has the authority to grant approval contrary to the code.

Mr. Hartley stated that while board members are welcome to ask questions of staff, at that point the board can deliberate on the points raised. He noted that the content of the radio station should not be relevant to the decision. He explained that Emily's point pertains to the code, which specifies that there must be no available sites within a one-half mile radius of the proposed tower. He asked whether a site is considered "available" if it is cost prohibitive. Mr. Carrasco believed Emily stated the issue is not related to interference. Mr. Hartley responded that staff only has the criteria from the code, not information on financial feasibility. Mr. Carrasco commented that the code does not explain the reasoning behind the requirements. Mr. Sexton stated that the law rarely explains "why," only "what," and that staff should not recommend approval of anything that does not comply with the code. Mr. Carrasco asked whether the board can approve something beyond the code. Mr. Sexton strongly encouraged against it, stating there is no legal basis for approving a proposal that does not meet clearly prescribed requirements. Mr. Hartley added that for the board to approve, it would have to make a finding that the site is not "available." He questioned whether a site costing \$2,400 per month could be considered available. Mr. Carrasco suggested that approvals contrary to the code occur frequently, but Mr. Hartley disagreed. Mr. White asked whether cost-prohibitive factors can make a site legally unavailable, emphasizing respect for what the code allows.

Emily clarified that, under the code, an "available" site is defined as a tower, site, or antenna support structure with a willing lessor or seller, available on commercially reasonable terms, and technologically feasible as an alternative to the proposed tower, site, or antenna support structure. Mr. Loss noted that the \$2,400 per month lease is not commercially reasonable for them.

Mr. Carrasco stated that if the board were to vote in favor of the proposal, he would like to include provisions specifying that no leasing of the tower to third parties would be allowed.

Mr. Malever asked if they have to cut trees short or put the tower above. Mr. Loss stated 100 ft they get above the trees.

Mr. Magamoll asked about FAA regulations. Jeff Shrum, Growth Management Director, stated that FAA approval will be required during the permit process. He also clarified that the city does not have any determination as to whether the \$2,400 lease is viable or not.

Mr. Loss stated that the permit process has been approved. Jeff Shrum clarified for the record that the City has not approved any permits for this request.

Mr. Sexton clarified for the record that Section 122-1043 of the code does not distinguish between types of towers; all towers are governed by that section. He also stated that any decision must be based on competent, substantial evidence presented in the record from the hearing, noting that the applicant bears the burden of presenting such evidence.

Motion to approve SE25-0005 a Special Exception to allow a 100-foot-tall telecommunications tower in ht R-1A, Single-Family Residential District, for property located at 2206 NE 24th Street. With conditions only use for transmissions of the church's radio station.

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Brent Malever

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

**NAY:** Chairman Hartley and White

**EXCUSED:** Juergens

5. Variance

a. Briggs/ VAR25-0005

**Attachments:** [VAR25-0005 Staff Report](#)  
[VAR25-0005 Case Map](#)  
[VAR25-0005 Aerial Map](#)  
[VAR25-0005 Site Plan](#)  
[VAR25-0005 Elevations](#)  
[VAR25-0005 Application](#)  
[VAR25-0005 OHPAB Approval](#)

Planner II Breah Miller Displayed maps and various photos of the property and adjacent properties while providing staff comments and the findings of fact for VAR25-0005.

Robert and Nadia Briggs, 1244 SE 7th Street Ocala, stated they are available for any questions the board may have.

Motion to approve VAR25-0005 to reduce the street side yard setback from 25 feet to 18.3 feet and reduce the rear yard setback from 25 feet to 3 feet.

**RESULT:** APPROVED

**MOVER:** George Carrasco, Jr.

**SECONDER:** Dustin Magamoll

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

**EXCUSED:** Juergens

6. Public Comments

None.

7. Staff Comments

None.

8. Board Comments

Mr. Carrasco stated he would like to review the Special Exception criteria further and suggested that the City may need to revisit these standards in the future. He noted that the staff analysis references the telecommunications industry and that the ordinance appears clearly written for telecommunications and cellular facilities. He commented that it is unlikely others will seek approval for radio antennas under this section, and therefore there may need to be a distinction made between the two types of uses.

Mr. Hartley welcomed Mr. White to the board.

9. Next Meeting: October 20, 2025

10. Adjournment

Meeting adjourned at 6:31pm.