

# MINUTES

## MARION COUNTY BOARD OF ADJUSTMENT

August 4, 2025

A public hearing of the Marion County Board of Adjustment was held on August 4, 2024 at 2:00 pm in the Marion County Growth Services Training Room, 2710 E. Silver Springs Boulevard, Ocala, Florida.

The meeting was called to order at 2:00 pm. Members present, creating a quorum, were: Chairman Donald Barber, Thomas Phillips, Len Racioppi, and Jackie Alsobrook. Alternate Samuel Hunt was not present for roll call and arrived at 2:09 pm. Staff members present were: Chief Assistant County Attorney Dana Olesky, Planner Kathleen Brugnoli, Planner Ken Odom, Zoning Technician Christina Franco, Zoning Technician Lynda Smith, Administrative Staff Assistant Autumn Williams, Staff Assistant IV Kim Lamb, Code Enforcement Manager Robin Hough, Code Enforcement Supervisor Tracy Gillyard, Code Enforcement Officer Catherine Martinez, and Code Enforcement Officer Marianne Lopez.

Chairman Barber gave the Invocation, followed by Len Racioppi leading the Pledge of Allegiance.

Chairman Barber and Attorney Dana Olesky explained the procedures for hearing variance requests and Attorney Olesky administered the Oath en masse.

Kathleen Brugnoli proceeded by reading the provided Affidavit of Publication and the Proof of Required Mailing and Posting of Notice, and advised that the meeting was properly noticed.

- 2.1. **250801V** – Tony Hassman and Kimberle Glaser, request a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front (west side) setback from 25' to 7.9' to allow for an existing carport, in a Single-Family Dwelling (R-1) zone, on Parcel Account Number 3578-023-027, Site Address 10185 SW 41<sup>st</sup> Avenue, Ocala, FL 34476

Christina Franco presented the case and read the report into the record, stating this request is for the existing unpermitted carport. This permit was rejected because it did not meet the required setbacks and was then canceled by the contractor. Christina listed several permits in the nearby area that were approved, but stated there were no approved variances in the area for a similar structure.

18 homeowners were notified within 300' of the parcel. No letters of opposition or support were received.

Tony Hassman, 10185 SW 41<sup>st</sup> Avenue, Ocala, FL, 34476, the property owner, stated that he began working with a contractor for this structure in June of 2024. He acknowledged experiencing some confusion regarding the permitting process and understands that the project has proceeded in reverse order compared to standard procedures. Mr. Hassman requested the contractor to complete the carport and close the permit, which ultimately led to its cancellation. He expressed

a desire for the carport to be slightly taller than the house to accommodate his pickup truck. However, he was uncertain how to achieve this, so the structure would be attached to the house. Mr. Hassman stated that he is willing to attach the structure to the house if that is the board's preference, but is also open to leaving it unattached if necessary.

**PUBLIC COMMENT:**

There was no one in the audience to speak for, or against, the request, and the chair closed the public portion of the hearing.

Donald Barber made a motion to **deny** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. No special condition or circumstance exists on the property that does not exist on other properties within the same zoning and land use area; 2. The applicant caused the special condition or circumstance; 3. Literal enforcement of the regulations would not create unnecessary and undue hardship and deprive the applicant of rights commonly enjoyed by other properties within the same zoning and land use area; 4. The variance is not the minimal variance that will allow reasonable use of the property; 5. The variance is not necessary for reasonable use of the property; 6. The variance will confer a special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 7. The granting of the variance will be injurious to the neighborhood or detrimental to the public welfare, and the Board denies the variance.

Len Racioppi made a motion to second.

**Motion to Deny - Passed 4 to 1**, with Jackie Alsobrook dissenting.

2.2. **250802V** – Sandra Kursingh Rojas, requests a Variance in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the front (north side) setback from 25' to 23' to allow for a mobile home, in a Mixed Residential (R-4) zone, on Parcel Account Number 4014-006-003, Site Address 18894 SE 55th Place, Ocklawaha, FL 32179

Lynda Smith presented the case and read the report into the record. The property is located within an ESOZ area, though it does not directly border the body of water. She also shows the surrounding areas' approved variances for similar requests.

25 homeowners were notified within 300' of the parcel. No letters of opposition or support were received.

Lauren Kirkman, 18931 SE 54<sup>th</sup> Place, Ocklawaha, FL 32179, on behalf of the applicant, addresses the board, stating the property was purchased in either 2021 or 2022. At the time, due to the applicant's health conditions, completing the home was not a priority. Ms. Kirkman explained the contractor was responsible for placing the home and ensuring that it would meet the setbacks. However, the owner has since been unable to get in contact with the contractor, who had been paid to manage both the permitting and placement of the home. She confirms that water has been set up, but there is no electricity at this time. Ms. Kirkman explained that existing tree stumps on the property influenced the placement of the home, as they obstructed alternative locations.

After further discussion amongst the board, Attorney Dana Olesky clarifies that in 2022, the applicant applied for a permit and was rejected, and then the permit expired. This home remained

on the property, unpermitted, vacant, and incomplete. The applicant then reapplied for a permit at a later date when code enforcement became involved.

#### **PUBLIC COMMENT:**

There was no one in the audience to speak for, or against, the request, and the chair closed the public portion of the hearing.

Jackie Alsobrook initially made a motion to approve the variance but withdrew her motion. Samuel Hunt made a motion to **deny** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. No special condition or circumstance exists on the property that does not exist on other properties within the same zoning and land use area; 2. The applicant caused the special condition or circumstance; 3. Literal enforcement of the regulations would not create unnecessary and undue hardship and deprive the applicant of rights commonly enjoyed by other properties within the same zoning and land use area; 4. The variance is not the minimal variance that will allow reasonable use of the property; 5. The variance is not necessary for reasonable use of the property; 6. The variance will confer a special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 7. The granting of the variance will be injurious to the neighborhood or detrimental to the public welfare, and the Board denies the variance.

Thomas Phillips made a motion to second.

#### **Motion to Deny - Passed 5 to 0.**

2.3. **250803V** – U-HAUL CO. of Florida, requests a Variance, Section 2.9, of the Marion County Land Development Code, to increase the permitted signage by one (1) additional wall sign and increase of overall signage square footage (SF) by 129SF from 384SF to 513SF, in a Community Business (B-2) zone, on an approximate 13.38 Acre Parcel, on Parcel Account Number 35485-001-04, Site Addresses 6615 and 6621 SW Highway 200, Ocala, FL 34476

Ken Odom presented the case and read the report into the record. Ken explains this case was previously denied (May 2025); however, the request presented today is different than before.

12 homeowners were notified within 300' of the parcel. No letters of opposition or support were received.

Shaw Lee, with Dowling Signs, 18038 NW 246<sup>th</sup> Street, High Springs, FL 32643, addresses the board on behalf of the applicant, opens the discussion with the board, and clarifies the location of the proposed signs.

#### **PUBLIC COMMENT:**

There was no one in the audience to speak for, or against, the request, and the chair closed the public portion of the hearing.

Samuel Hunt made a motion to **approve** the variance as requested and moved that, having heard competent substantial evidence, the Board finds that: 1. A special condition or circumstance exists on the property that does not exist on other properties within the same zoning and land use area; 2. The applicant did not cause the special condition or circumstance; 3. Literal enforcement of the regulations would create unnecessary and undue hardship and deprive the applicant of rights commonly enjoyed by other properties within the same zoning and land use area; 4. The variance is the minimal variance that will allow reasonable use of the property; 5. The variance will not confer any special privilege on the applicant that is denied to other properties within the same zoning and land use area; and 6. The granting of the variance will not be injurious to the neighborhood or detrimental to the public welfare, and the Board grant the variance.

Jackie Alsobrook made a motion to second.

**Motion to Approve - Passed 5 to 0**

**Other Business:**

Board Member Phillips expressed concerns regarding contractors obtaining permits for projects that may not be feasible within the area, as well as instances of incomplete or improperly executed work. Dana Olesky referenced a prior issue involving sheds to illustrate a similar situation and clarified that such matters would fall under civil jurisdiction.

**MINUTES:**

The **May 5, 2025**, Board of Adjustment Minutes were moved for Approval upon a motion by Len Racioppi, with a second by Samuel Hunt.

**Motion for Approval - Passed 5 to 0.**

**ADJOURNED:** The meeting adjourned at 3:43 PM.

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Donald M. Barber, Chairman

Attest:

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Kim Lamb, Staff Assistant IV