

# MINUTES

## MARION COUNTY BOARD OF ADJUSTMENT January 5, 2026

A public hearing of the Marion County Board of Adjustment was held on January 5, 2026, at 2:00 p.m. in the Marion County Growth Services Training Room, 2710 E. Silver Springs Boulevard, Ocala, Florida.

The meeting was called to order at 2:00 p.m. Members present, creating a quorum, were Chairman Donald Barber, Len Racioppi, Thomas Phillips, and Jackie Alsobrook. Nathanael Ramos was marked present at 2:12 p.m., following roll call. Staff members present were: Assistant County Attorney Linda Blackburn, Director Chuck Varadin, Deputy Director Ken Weyruach, Zoning Technicians Cristina Franco and Clint Barkley, Planner Sarah Wells, Transportation Planner Ken Odom, and Staff Assistant IV Kim Lamb.

Donald Barber recognized the passing of Board Member, Mr. Ernest Hemschot, delivered the Invocation, and led the Pledge of Allegiance. He also emphasized the importance of promptly responding to attendance emails to ensure a confirmed quorum in advance.

Chairman Barber and Attorney Linda Blackburn explained the procedures for hearing variance requests, and Attorney Blackburn administered the Oath en masse.

Ken Weyruach 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. 251001V** – Joseph & Ellen Metivier, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the (front) setback from 25' to 10' for an existing attached pole barn style carport, in a Single-Family Dwelling (R-1) zone, on Parcel Account Number 3495-165-102, Site Address 13310 SW 51<sup>st</sup> Lane, Ocala, FL 34481

Cristina Franco presented the case and read the report into the record, stating this request is to reduce the (Front) setback for an existing attached pole barn-style carport.

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

Joseph Metivier, 13310 SW 51<sup>st</sup> Lane, Ocala, FL 34481, applicant, addressed the board. Mr. Metivier expressed his willingness to invest any amount necessary to ensure this issue is resolved and to retain his carport.

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 **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 grants the variance.

Jackie Alsbrook made a motion to second.

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

**2.2. 251002V** – Johnny Busciglio & Rebecca Rosin, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the Front (lakeside) setback from 75’ to 30’ for a new single-family dwelling and inground swimming pool, in a Single-Family Dwelling (R-1) zone, on Parcel Account Number 49007-001-00, Site Address 12640 SE 141<sup>st</sup> Avenue Road, Ocklawaha, FL 32179

Clint Barkley presented the case and read the report into the record, stating this request is to reduce the (Lakeside) setback for a new single-family dwelling and inground swimming pool.

13 homeowners were notified within 300’ of the parcel. No letters of support or opposition were received.

Rebecca Rosin, 12640 SE 141<sup>st</sup> Avenue Road, Ocklawaha, FL 32179, applicant, addressed the board. Ms. Rosin stated that an engineer has assessed the property and shared their findings with the board. She emphasized the hardship this process has caused.

Mike Green, 2635 SE 58<sup>th</sup> Avenue, Ocala, FL 34480, agent representing Michael Alan Homes, addressed the board regarding the additional costs associated with removing the tree, the unsettled ground, and the water runoff issues that currently exist on the property.

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

Nathaneal Ramos 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 grants the variance.

Len Racioppi made a motion to second.

**Motion to Approve - Passed 3 to 2, with Jackie Alsobrook and Thomas Phillips dissenting.**

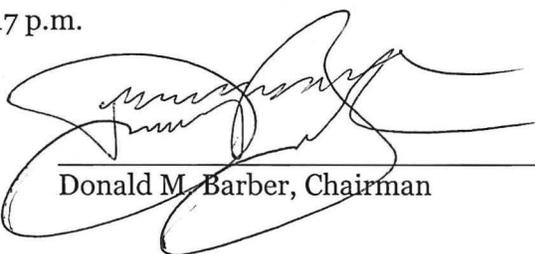
**Other Business: NONE**

**MINUTES:**

The **December 1, 2025**, Board of Adjustment Minutes were moved for Approval upon a motion by Nathanael Ramos, with a second by Len Racioppi.

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

**ADJOURNED:** The meeting adjourned at 3:17 p.m.



Donald M. Barber, Chairman

Attest:



Kim Lamb, Staff Assistant IV

**VARIANCE ACTION FORM**

ITEM NO: 251001V

DATE OF PUBLIC HEARING: JANUARY 5, 2026

OWNER NAME(s): **Joseph & Ellen Metivier**  
13310 SW 51<sup>st</sup> Lane  
Ocala, FL 34481

AGENT NAME(s): N/A

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **3495-165-102**, SEC 32 TWP 15 RGE 20, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the (front) setback from 25' to 10' for an existing accessory pole barn style carport, in a Single-Family Dwelling (R-1) zone.

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**FINDINGS OF BOARD OF ADJUSTMENT**

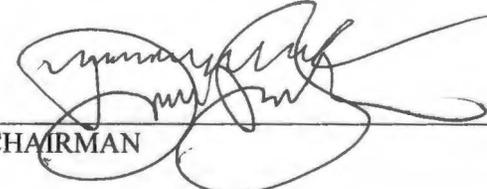
1. **Written Petition.** A written petition for a Variance has been submitted demonstrating that:
  - A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.
  - B. The special conditions and circumstances do not result from the actions of the applicant.
  - C. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use area under the terms of said regulations and would work unnecessary and undue hardship of the applicant.
  - D. The Variance, if granted, in the minimum Variance that will allow the reasonable use of the land, building or structure.
  - E. Granting the Variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings of structures in the same zoning classification and land use area.
  - F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2.  **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.

3.  **DENIED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have not been demonstrated by the applicant for Variance.

4.  **CONDITIONS & SAFEGUARDS:** *Damaged beyond 50% of the structure value then #*  
A. Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.

B. Breezeway must be kept in safe order.

  
CHAIRMAN

1-05-2026  
DATE

**VARIANCE ACTION FORM**

ITEM NO: 251002V

DATE OF PUBLIC HEARING: JANUARY 5, 2026

OWNER NAME(s):

**Johnny Busciglio & Rebecca Rosin**  
12640 SE 141<sup>st</sup> Avenue Road  
Ocklawaha, FL 32179

AGENT NAME(s):

**Michael Alan Homes**  
2635 SE 58<sup>th</sup> Avenue  
Ocala, FL 34480

**LEGAL DESCRIPTION OF PROPERTY:** Parcel Account No. 49007-001-00, SEC 05 TWP 17 RGE24, in Marion County, Florida.

**VARIANCE REQUESTED:** Request to reduce the Front (lakeside) setback from 75' to 30' for a new single-family dwelling and inground swimming pool, in a Single-Family Dwelling (R-1) zone.

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**FINDINGS OF BOARD OF ADJUSTMENT**

1. **Written Petition.** A written petition for a Variance has been submitted demonstrating that:
  - A. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings with the same zoning classification and land use area.
  - B. The special conditions and circumstances do not result from the actions of the applicant.
  - C. Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use area under the terms of said regulations and would work unnecessary and undue hardship of the applicant.
  - D. The Variance, if granted, in the minimum Variance that will allow the reasonable use of the land, building or structure.
  - E. Granting the Variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings of structures in the same zoning classification and land use area.
  - F. The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

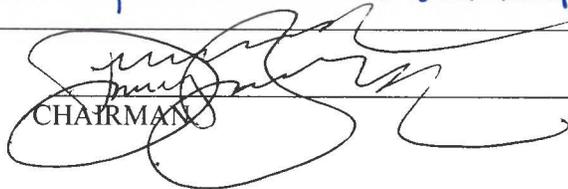
2.  **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.

3.  **DENIED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have not been demonstrated by the applicant for Variance.

4.  **CONDITIONS & SAFEGUARDS:**

A. Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.

B. This variance is only for the house and the pool.

  
CHAIRMAN

1-05-2026  
DATE