5614 SE 111TH STREET, BELLEVIEW, FLORIDA CA# 9930

P.O. BOX 2770 BELLEVIEW, FL 34421-2770 PHONE: (352) 245-8592 FAX: (352) 245-8597

November 26, 2025

Marion County Planning and Zoning 2710 E. SilverSprings Blvd. Ocala, FL 34470

RE: PA# 49007-001-00 - Variance Request

To Whom It May Concern:

Rebecca Rosin and Johnny Busciglio requested that I visit their parcel at 12640 SE 141st Avenue Road to evaluate the proposed location of their residence should their variance request be approved. The proposed home site appears to be the same location where the previous residence once stood. The setback distance from Lake Weir is consistent with the placement of other homes in this area and should not pose any environmental concerns.

The portion of the parcel where the home is proposed contains no environmentally sensitive wetlands or wetland vegetation. The area between the proposed home and the lake consists primarily of white sand, followed by a seawall, and contains no environmentally sensitive vegetation above the seawall. The home is also proposed to be located at a high point on the property, where all stormwater runoff will flow away from the lake. Requiring compliance with the 75-foot ESOZ setback would force the home further downslope to a significantly lower elevation, causing runoff patterns counter to the intent of the regulation.

Additionally, enforcing the 75-foot setback would require the removal of a large live oak tree, approximately 36 inches in diameter, located near the center of the parcel. This tree is healthy, well-established, and its removal would be both unnecessary and environmentally undesirable.

Over the past several years, I have assisted in multiple variance applications relating to the ESOZ requirements, all of which have been approved. The ESOZ regulations were added to the Land Development Code to address new subdivisions within ESOZ zones or areas where construction was proposed for the first time — not in established areas like Lake Weir, where more than 95% of parcels have already been developed and many contain long-standing homes and structures.

Several previous variance requests within this same area were nearly identical to this one, and all received approval. Requiring Ms. Rosin and Mr. Busciglio to comply with the full ESOZ setback on a parcel that historically contained a home in the same location would place an unfair and unnecessary burden on them, especially when surrounding homes were permitted closer to the water.



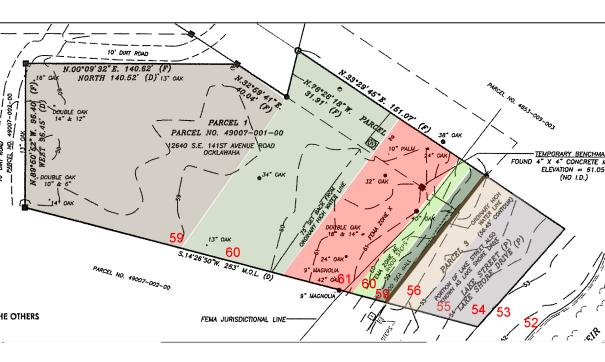


Image 3

Image taken from survey completed in 2018 (submitted). Survey shows the elevation of the lot.

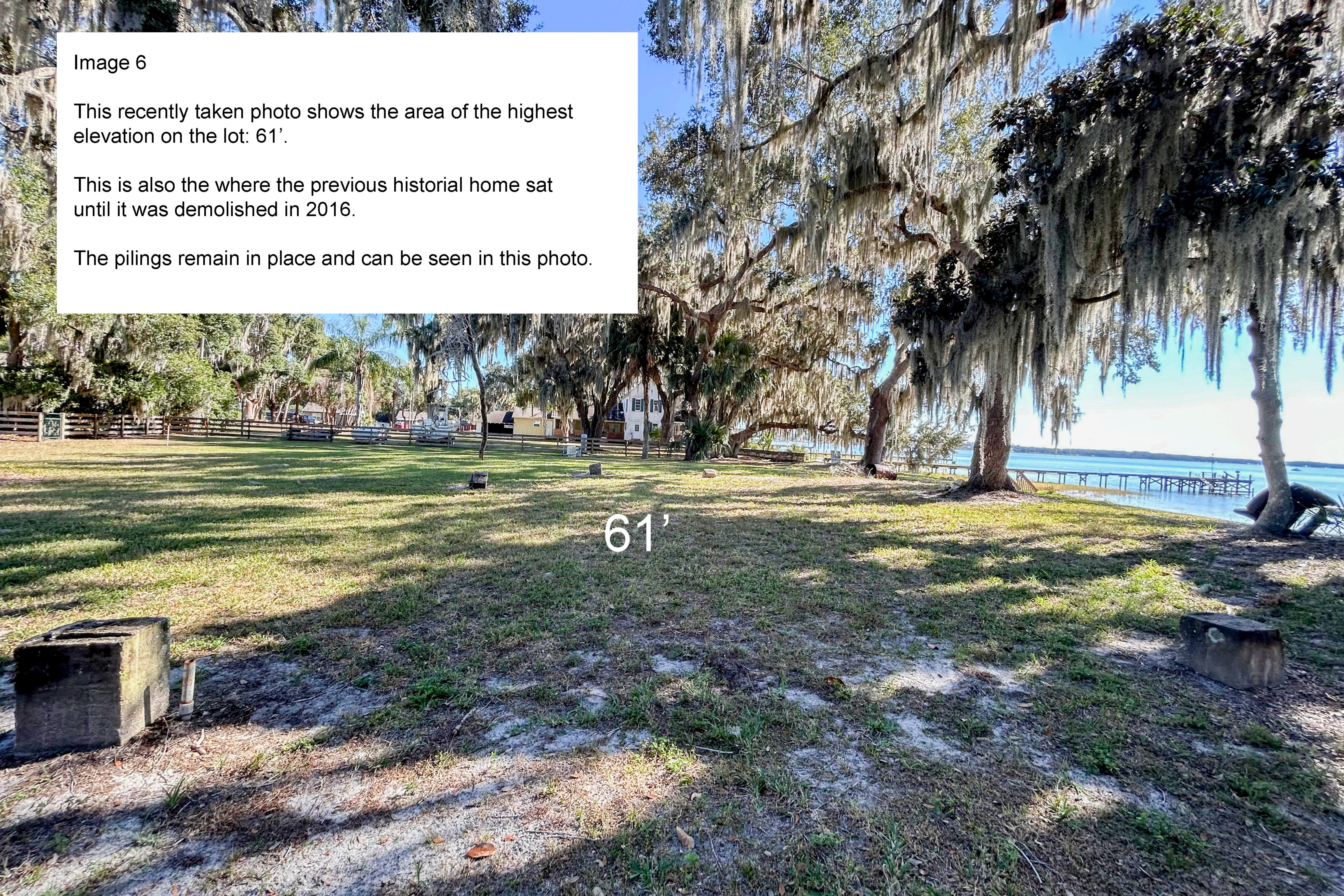
Colors/numbers added to show approx area of each elevation.

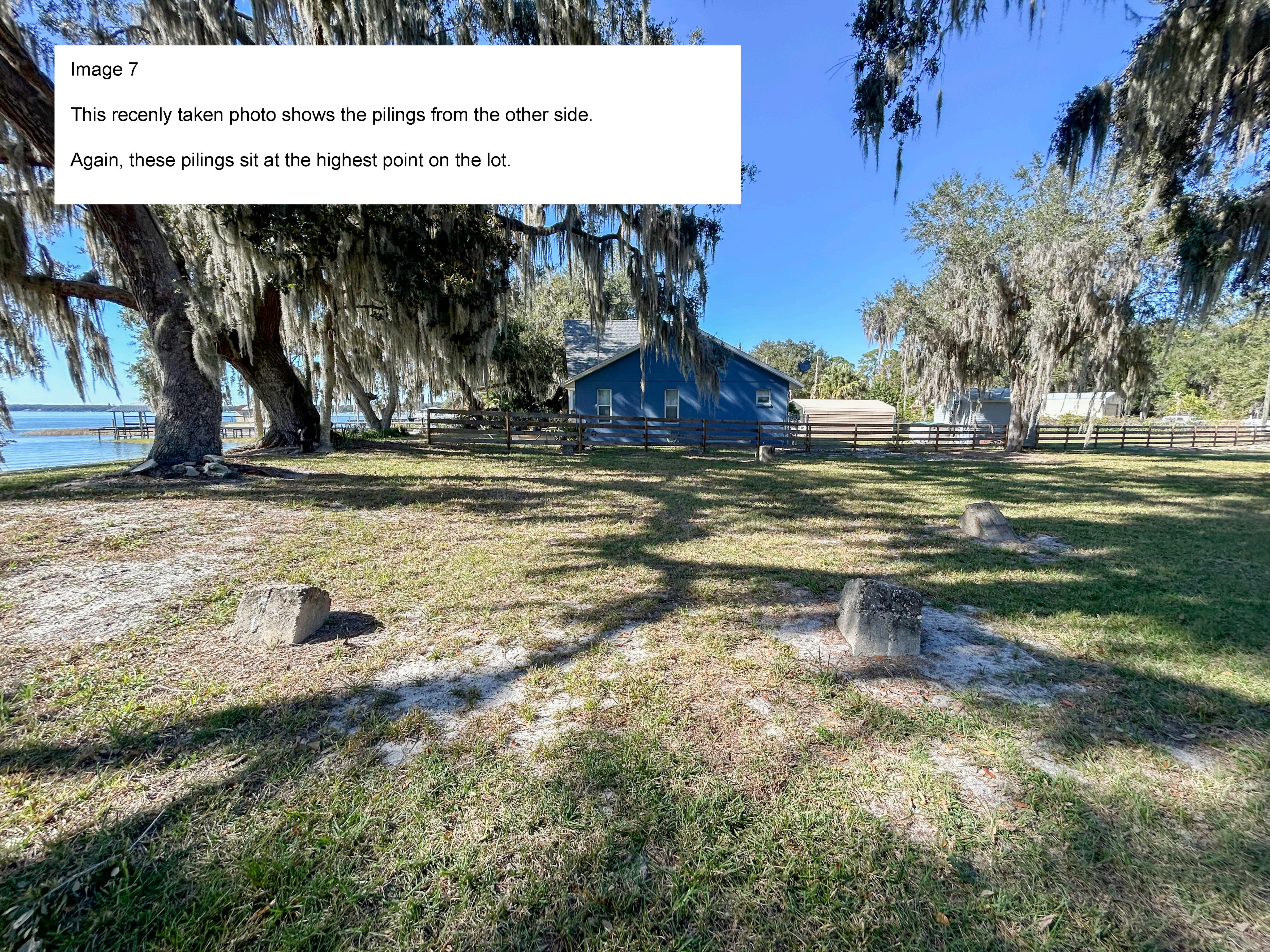
Brown line indicates location of the sea wall.















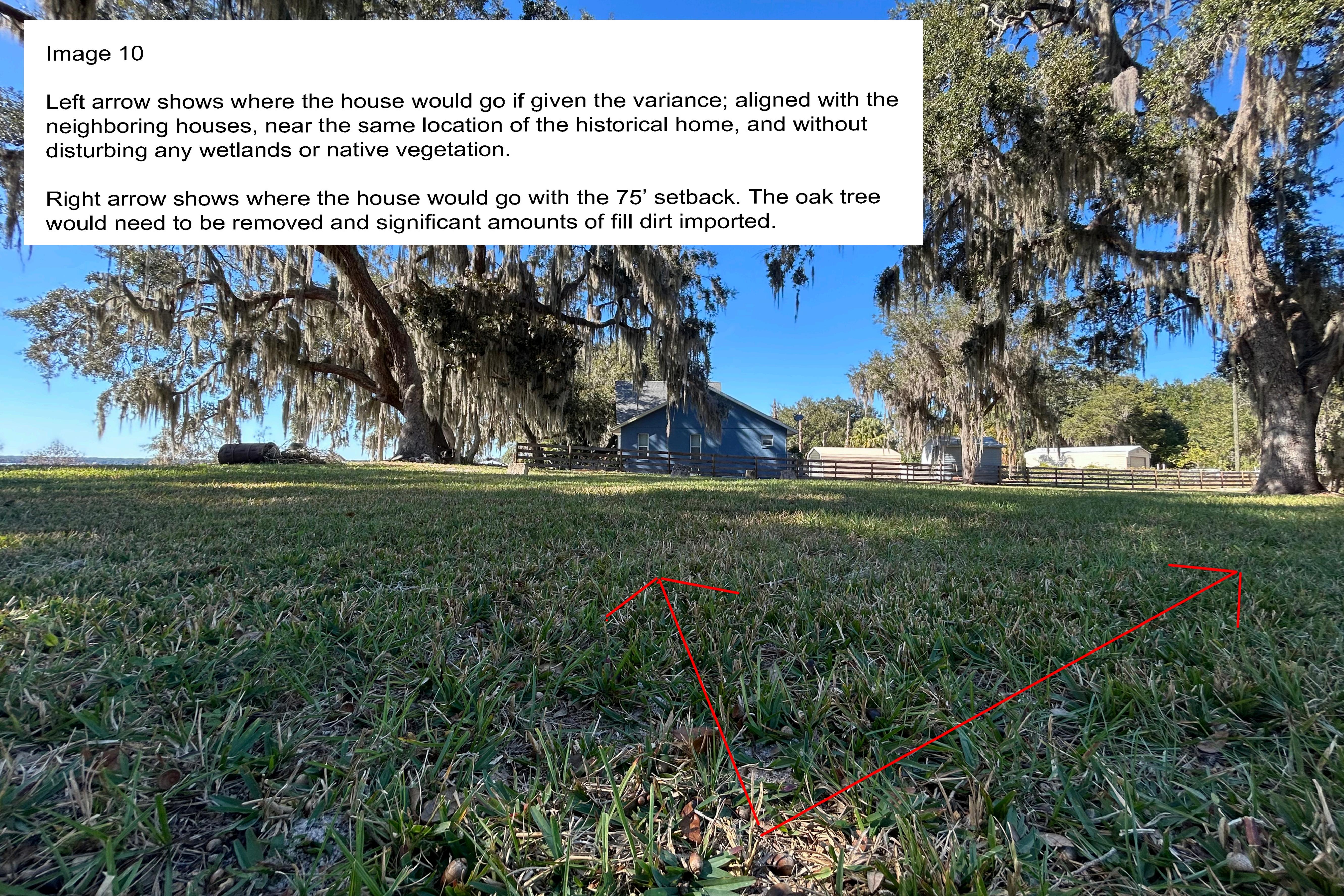


Image 11

Our lot, 75' setback line and the location of five of the neighboring homes.



Image 12

List of variances granted around big Lake Weir. Highlighted variances were granted since 2013.

49007-002-00	50' 6-	3-96		49323-004-07	40	5-2-11	
4855-016-001	48' 9-	8-08	•	49323-004-03	63	9-10-18	
4855-015-005	55' 7	-11-11	•	4941-014-000	57.67	2-7-22	
4855-015-015	32.9	-3-21	•	49167-008-00	47	7-6-20	
• 4855-010-903	22.6			49167-906-00	60	5-7-07	
47772-000-07	SECURIOR STATE OF THE OWNER, THE	-6-12		49167-004-00	28'	5-17-24	
47772-000-03		-1-09		49167-001-00	50'	10-4-04	
47772-000-02		-1-06		49131-001-02	30	6-6-11	
17772-000-01		2-4-23		49131-001-01	58'	8-7-06	
		3-3-03	•	49129-021-00	70'	7-11-16	
4789-001-010		-20-04		49129-019-00	20'	11-4-02	
4789-001-007		-20-04	e	49129-013-00	50	8-3-20	
4789-001-006			•	49124-010-00	49	12-3-18	
4789-001-003	15-35				50'	10-5-15	
4789-001-002		3-2-10		49129-002-00		7-6-15	
4789-001-001	1	19-1-01		4854-002-006	55	6-6-05	
4788-001-001		6-6-05		4854-002-001	46.25		
4788-001-006	STREET, STREET	12-1-03		45814-015-00	32	3-5-07	
4788-002-004		2-2-04		45839-009-00	30	6-6-05	
4788-092-013	10	10-4-04		4552-024-049	50	9-12-05	
4788-002-012	25	2-7-05		45548-000-00	46	4-2-12	
9 4786-010-000		6-7-04					
4786-012-000	29.8	4-4-11					
4786-015-000		11-6-06					
4786-005-000	30	6-6-11					
4786-002-000	25	5-1-06					
• 4786-001-000	40	1-4-21					
• 4786-023-000	O THE CONTRACT OF THE PARTY OF	9-10-18					
· 4786-026-000 · 4786-039-000		8-7-23					
4786-032-000		6-2-14					
4786-036-000	35.S	12-4-00					
4771-002-029	40	7-6-09					
94771-002-031	15'	9-14-20					
• 4771-002-001	21	8-7-23					
4772-011-001	5'	2-7-05					
47823-000-00	50'	1-7-08					
47774-000-00	46.2	215-2-5-07					
• 4785-006	68'	4-6-15					
4785-001-002	60.79	5-7-07					
* 4825-014-000	62.5	5-6-24					
48137-001-00	48'	11-3-03					
49323-002-01	38'	10-3-11					

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In closing, it is my professional opinion that the variance request submitted by Ms. Rosin and Mr. Busciglio will not be detrimental to Lake Weir (where I also reside). The parcel is not environmentally sensitive, and the proposed placement of the home ensures that stormwater will not drain toward the lake. This variance request is reasonable and appropriate, and it should be granted consistent with the many similar variances previously approved in the area.

Edward Abshier

Ed Abshier, P.E. #53961

Variance Request Letter Rebecca Rosin & Johnny Busciglio

12640 SE 141st Avenue Road

Weirsdale, FL 32195

Date Submitted: 12/1/25

To: Marion County Planning & Zoning Division

2710 E. Silver Springs Blvd.

Ocala, FL 34470

Variance Request to Reduce ESOZ Setback – Parcel 49007-001-00

To the Marion County Board of Adjustment:

We respectfully submit this letter in support of our request for a variance to reduce the Environmentally Sensitive Overlay Zone (ESOZ) setback for our property located at 12640 SE 141st Avenue Road on Lake Weir.

This letter references the accompanying documentation and images labeled Image 1 through Image 12, which illustrate the physical characteristics, elevation details, historical development footprint, location of neighboring homes, and the environmental conditions of our lot along with a letter from Abshire Engineering.

I. Physical Characteristics of the Property

(Supported by Images 1–9)

Our property contains no wetlands, no native shoreline vegetation, and no undisturbed natural buffer. Instead, the shoreline consists of:

• A white sand beach (Image 4)

- A stabilized seawall (Images 4 & 5)
- Previously disturbed uplands beyond the seawall, where the historic home once stood (Images 6 & 7)

The certified survey elevation map (Image 3) and corresponding site photographs (Images 4–8) show:

- Higher elevation (61 ft) where the original home sat (Images 6 & 7)
- Sloping land that drops to 60 ft and then 59 ft as you move inland (Images 4 & 5)
- The seawall and beach area sitting between 53–56 ft (Images 4 & 5)

These images demonstrate that the land closest to the lake is not environmentally sensitive but is instead previously modified, elevated, stable ground.

II. Hardships Created by Enforcing the 75-Foot Setback

(Supported by Images 1, 2, 3, 8, 9, and 10)

1. Removal of a 36-inch Heritage Live Oak

(Shown in Images 1, 2, and 10)

The 75-ft setback line intersects directly with a 36-inch live oak marked on both the survey and the aerial overlays.

- Image 1 shows its mapped location.
- Image 2 includes current photos highlighting the tree.
- Image 10 shows that the 75-ft setback forces the house into the same area where this
 tree stands.

Removing this tree would be environmentally harmful and unnecessary if the variance is granted.

2. Significant Land Disturbance Due to Slope

(Shown in Images 3, 4, 5, and 8)

The survey elevation overlay (Image 3) and on-site photographs (Images 4–8) demonstrate that the natural slope moves downward away from the lake:

- At the 75-ft setback line, land drops to 60 ft then down to 59 ft.
- The proposed non-variance build area (Image 10, right arrow) would require substantial fill to level the pad.
- Image 8 shows this lower elevation area that would need major regrading.

This would create more disturbance than building at the existing elevated footprint.

3. Historical Build Footprint Is the Only Suitable Area

(Shown in Images 6 & 7)

Images 6 and 7 show the concrete pilings from the former home—located at the highest elevation (61 ft).

This is:

- The most stable area
- Already disturbed
- Environmentally appropriate for construction

The 75-ft setback prohibits use of this area entirely.

4. Disproportionate Loss of Buildable Area

(Shown in Image 9)

Image 9 shows the back portion of the lot—flat, but lower in elevation and environmentally neutral.

The 75-ft setback consumes a significant portion of the lot's usable area, a burden not faced by the surrounding parcels.

5. Alignment With Neighboring Homes

(Shown in Image 11)

Image 11 overlays our 75-ft setback with neighboring structures.

Every home adjacent to ours sits significantly closer to the lake. Enforcing 75 ft only on our parcel creates inconsistency.

III. ESOZ Purpose and Why It Does Not Apply to This Parcel

(Supported by Images 3–5)

ESOZ was established to protect:

- Wetlands
- Natural vegetation
- Undisturbed habitats
- Sensitive shoreline areas

Our images show:

Image 4: white sand beach

- Images 4 & 5: seawall replacing natural shoreline
- Image 3: survey confirming no wetlands or flagged vegetation
- Image 6: historically developed footprint

There is nothing environmentally sensitive within the build area.

In fact, forcing development deeper into the lot increases environmental impact — contrary to the intent of ESOZ.

IV. Documented County Precedent

(Shown in Image 12)

Image 12 lists some of the ESOZ variances granted around Lake Weir, including:

- 50 ft
- 49 ft
- 46 ft
- 40 ft
- 35 ft
- 30 ft
- 27 ft
- 25 ft

Many were granted after ESOZ adoption in 2013 (highlighted), and several are immediately adjacent to our land.

To deny us similar relief would be inconsistent and unfair given longstanding county precedent.

V. Environmental Engineer's Professional Opinion

(Referencing the attached engineer letter)

Our licensed civil engineer confirmed:

- No wetlands or native vegetation in the proposed area
- The lot is not environmentally sensitive
- Stormwater will flow away from Lake Weir
- Enforcing 75 ft creates more disturbance
- Our request aligns with environmental best practices
- The variance is "reasonable and appropriate," consistent with countless prior approvals

This professional review directly supports granting the variance.

VI. Conclusion

Strict enforcement of the 75-ft ESOZ setback:

- Creates multiple non-self-created hardships
- Does not advance the intent of ESOZ
- Forces unnecessary tree removal
- Increases land disturbance and fill requirements
- Disproportionately restricts our property's use

- Conflicts with established county precedent
- Is inconsistent with neighboring development patterns

Our requested setback of 50 ft for the home and 30 ft for the pool aligns the new structure with:

- The historic building footprint
- The natural topography
- The environmental conditions
- The existing neighborhood
- County precedent
- The intent of ESOZ

We respectfully request approval of this variance so we may responsibly construct our home in the location that is both environmentally and structurally appropriate.

Thank you for your consideration.

Sincerely,

Rebecca Rosin & Johnny Busciglio