

MINUTES

MARION COUNTY BOARD OF ADJUSTMENT

OCTOBER 6, 2025

A public hearing of the Marion County Board of Adjustment was held on October 6, 2025, 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, Len Racioppi, Nathanael Ramos, Thomas Phillips, and Jackie Alsobrook. Alternate Samuel Hunt arrived at 2:03 pm and was not present during roll call. Staff members present were Assistant County Attorney Linda Blackburn, Director Chuck Varadin, Deputy Director Ken Weyruach, Zoning Technician Cristina Franco, Zoning Technician Clint Barkley, Code Enforcement Officer Marianne Lopez, Administrative Staff Assistant Autumn Williams, and Staff Assistant IV Kim Lamb.

Nathanael Ramos gave the Invocation, followed by the Pledge of Allegiance.

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

Kenneth 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 accessory pole barn style carport, in a Single-Family Dwelling (R-1) zone, on Parcel Account Number 3495-165-102, Site Address 13310 SW 51st Lane, Ocala, FL 34481

Cristina Franco presented the case and read the report into the record, stating this request is for an existing accessory pole barn-style carport.

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

Officer Lopez addressed the board to clarify why this matter qualifies as a code case, noting that the setback violation stems from the carport not being physically connected to the main structure.

Joseph Metivier, 13310 SW 51st Lane, Ocala, FL 34481, addresses the board. He informed the board that he purchased his home five years ago and hired a subcontractor to install the carport. At the time, he was unaware of the permitting requirements or any regulations regarding its placement and relied on the subcontractor to ensure compliance with all necessary requirements. He expressed his desire to keep the carport as is.

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.

Nathaniel Ramos made a motion to **approve** the variance as requested *with the alternate condition that if the structure is damaged/removed it cannot be replaced* 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.

Samuel Hunt made a motion to second.

Motion to Approve - Failed 2 to 4, with Thomas Phillips, Jackie Alsobrook, Len Racioppi, and Donald Barber dissenting.

Len Racioppi 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; the variance is not necessary for reasonable use of the property; 5. 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 6. The granting of the variance will be injurious to the neighborhood or detrimental to the public welfare, and the Board denies the variance.

Jackie Alsobrook made a motion to second.

Motion to Deny - Passed 4 to 2, with Samuel Hunt and Nathanael Ramos dissenting.

Upon further discussion, the Board agreed to rehear the case, contingent upon the applicant submitting a concept plan demonstrating that the carport will be connected to the primary residence. This modification would reclassify the structure, so it is no longer considered an accessory building.

Samuel Hunt made a motion to continue the item to a future meeting for further discussion.

Jackie Alsobrook made a motion to second.

Motion to Continue – Passed 6 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 141st Avenue Road, Ocklawaha, FL 32179

Clint Barkley presented the case and read the report into the record, stating the request is for a new single-family residence and an inground swimming pool.

13 homeowners were notified within 300' of the parcel. There were no letters of support or opposition received.

Mike Green of Michael Alan Homes, 2635 SE 58th Avenue, Ocala, FL 34480, spoke on behalf of the applicant. He stated that he wanted to keep the existing well because a new one wouldn't meet the requirements of the septic system, shop, pool, and home. He did not know the square footage and asked if the case could be postponed until next month—the Board Agreed.

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.

Nathanael Ramos made a motion to **continue the case date certain to November 3, 2025, at 2 P.M.**

Jackie Alsobrook made a motion to second.

Motion to Continue Date Certain to November 3, 2025- Passed 6 to 0.

2.3 **251003V** – Daryl & Antoinette Lloyd, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to reduce the (rear) setback from 15' to 10' for a new pool and deck, in a Planned Unit Development (PUD), on Parcel Account Number 35711-01-147, Site Address 6605 SW 89th Loop, Ocala, FL 34476

Cristina Franco presented the case and read the report into the record, stating the request is for a new pool and deck.

24 homeowners were notified within 300' of the parcel. There were no letters of support or opposition received.

Daryl Lloyd, 6605 SW 89th Loop, Ocala, FL 34476, addresses the board. He provided a letter from the HOA approving the pool and screen enclosure that was not included in the report.

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 grants the variance.

Thomas Phillips made a motion to second.

Motion to Approve - Passed 6 to 0.

OTHER BUSINESS: Election of New Chairman and Vice-Chairman

A motion was made by Jackie Alsobrook and seconded by Samuel Hunt to re-elect Donald Barber as Chairman.

A subsequent motion was made by Jackie Alsobrook and seconded by Thomas Phillips to re-elect C. Cadell Hager as Vice-Chairman.

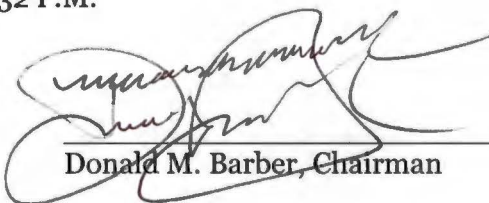
Motion for Approval - Passed 6 to 0.

MINUTES:

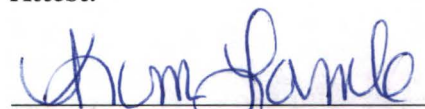
The **October 6, 2025**, Board of Adjustment Minutes were moved for Approval upon a motion by Thomas Phillips, with a second by Samuel Hunt

Motion for Approval - Passed 6 to 0.

ADJOURNED: The meeting adjourned at 3:32 P.M.


Donald M. Barber, Chairman

Attest:


Kim Lamb, Staff Assistant IV

Board of Adjustment Attendance Report

2025		January – No Meeting	February	March – No Meeting	April	May	June – No Meeting	July – No Meeting	August	September	October	November	December
Donald Barber	Board Member		X		X	X			X	X	X		
C. Cadell Hager	Board Member		X							X			
Donald Sherwood	*Term Ended 4/25*		X		X	-			-	-	-	-	-
Jackie Alsobrook	Board Member		X						X		X		
Ernest Hemschot	Board Member		X			X							
Thomas Phillips	Board Member		X		X	X			X		X		
Len Racioppi	Board Member	-	-	-	-	X			X	X	X		
Nathanael Ramos	Board Member				X					X	X		
Samuel Hunt*	Alternate		X		X	X			X	X	X		
Zilca Diaz*	Alternate	-	-	-	-	X				X			

X - Present

- N/A

VARIANCE ACTION FORM

ITEM NO: 251001V

DATE OF PUBLIC HEARING: OCTOBER 6, 2025

OWNER NAME(s):

Joseph & Ellen Metivier
13310 SW 51st 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.

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.

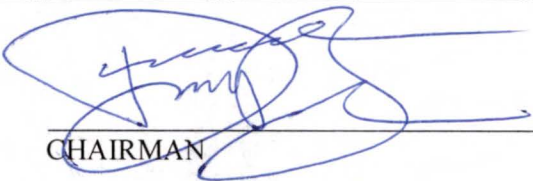
2. **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.

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. _____


CHAIRMAN

10-06-2025
DATE

VARIANCE ACTION FORM

ITEM NO: 251002V

DATE OF PUBLIC HEARING: OCTOBER 6, 2025

OWNER NAME(s):

Johnny Busciglio & Rebecca Rosin
12640 SE 141st Avenue Road
Ocklawaha, FL 32179

AGENT NAME(s):

Michael Alan Homes
2635 SE 58th 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.

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, is 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 or 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.

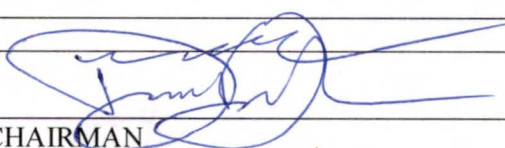
2. **GRANTED:** Based on the Board of Adjustment's finding that the requirements of Paragraph 1 above have been demonstrated by the applicant for Variance.

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. _____


CHAIRMAN

10-06-2025
DATE

VARIANCE ACTION FORM

ITEM NO: 251003V

DATE OF PUBLIC HEARING: OCTOBER 6, 2025

OWNER NAME(s):

Daryl & Antoinette Lloyd
6605 SW 89th Loop
Ocala, FL 34476

AGENT NAME(s):

N/A

LEGAL DESCRIPTION OF PROPERTY: Parcel Account No. **35711-01-147**, SEC 17 TWP 16 RGE 21, in Marion County, Florida.

VARIANCE REQUESTED: Request to reduce the (rear) setback from 15' to 10' for a new pool and deck, in a Planned Unit Development (PUD) zone.

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. 6-0 **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:**
☒ Should the structure be removed for any reason, any replacement structure must meet the then required setbacks or a variance must be requested.

B. _____


CHAIRMAN

10-06-2025

DATE