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 o.

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 o.

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 o.

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

Donald M. Barber, Chairman

Motion for Approval - Passed 6 to o.

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

Attest:

Kim Lamb, Staff Assistant IV

Board of Adjustment Attendance Report

2025			February	March - No Meeting	April	Мау	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		Х			Х							
Thomas Phillips	Board Member		Х		X	X			X		X		
Len Racioppi	Board Member	-	-	-		Х			X	Х	X		
Nathanael Ramos	Board Member				X					X	X		
Samuel Hunt*	Alternate		X		X	Х			X	Х	Х		
Zilca Diaz*	Altemate	-	-	-	-	Х				X			

X - Present

- N/A

VARIANCE ACTION FORM

ITE	M NO: 25	51001V	DATE OF PU	UBLIC HEARING: OCTOBER 6, 2025	
OW	NER NA	ME(s):	Joseph & Ellen Metivio 13310 SW 51 st Lane Ocala, FL 34481	er	
AGI	ENT NAN	ΛΕ(s):	N/A		
	GAL DES		PROPERTY: Parcel Account No. 34	495-165-102 , SEC 32 TWP 15 RGE 20, in Mario	nc
			Request to reduce the (front) setba Single-Family Dwelling (R-1) zone.	ck from 25' to 10' for an existing accessory	
***	******	******	*********	*****	
1.	Writte	n Petition . A wri	FINDINGS OF BOARD OF AD ten petition for a Variance has been subm		
	A.			iar to the land, structure or building involved and which the same zoning classification and land use area.	ch
	B.	The special cond	itions and circumstances do not result fro	m the actions of the applicant.	
	C.	enjoyed by other		nations would deprive the applicant of rights common tion and land use area under the terms of said regulation oplicant.	
	D.	The Variance, is structure.	granted, in the minimum Variance that	will allow the reasonable use of the land, building	or
	E.			pplicant any special privilege that is denied by the me zoning classification and land use area.	se
	F.	The granting of welfare.	the Variance will not be injurious to the	neighborhood or otherwise detrimental to the pub	lic
2		GRANTED:	Based on the Board of Adjustment's find been demonstrated by the applicant for V	ing that the requirements of Paragraph 1 above have fariance.	
3.	Cons	DENIED:	Based on the Board of Adjustment's finding not been demonstrated by the applicant for	ing that the requirements of Paragraph 1 above have or Variance.	
4			& SAFEGUARDS:		
			structure be removed for any reason, any reason any reason avariance must be requested.	replacement structure must meet the then	
		В			
			(trunk)		
			CHAIRMAN	10-06-207 DATE	
			CN I/A II VIVIVIVIVIVIVIVIVIVIVIVIVIVIVIVIVIV	IJAIF	

VARIANCE ACTION FORM

ITEM NO: 251002V			DATE OF PUBLIC HEARING: OCTOBER 6	DATE OF PUBLIC HEARING: OCTOBER 6, 2025							
OWN	NER NA	AME(s):	Johnny Busciglio & Rebecca Rosin 12640 SE 141 st Avenue Road Ocklawaha, FL 32179								
AGE	NT NA	ME(s):	Michael Alan Homes 2635 SE 58 th Avenue Ocala, FL 34480								
L EG Florid		SCRIPTION OF	F PROPERTY: Parcel Account No. 49007-001-00, SEC 05 TWP 17 RGE24, in	Marion County,							
			: Request to reduce the Front (lakeside) setback from 75' to 30' for a and swimming pool, in a Single-Family Dwelling (R-1) zone.	new single-							
****	*****	*****	************								
١.	Writt	en Petition. A w	FINDINGS OF BOARD OF ADJUSTMENT ritten 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.									
ed .	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.									
in sed	F.	The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the pub welfare.									
2		GRANTED:	Based on the Board of Adjustment's finding that the requirements of Paragraph been demonstrated by the applicant for Variance.	n 1 above have							
3	V-A	DENIED:	Based on the Board of Adjustment's finding that the requirements of Paragraph not been demonstrated by the applicant for Variance.	n 1 above have							
1		A. Should the	NS & SAFEGUARDS: e structure be removed for any reason, any replacement structure must meet the tacks or a variance must be requested.	<u>hen</u>							
		В									
			The state of the s								
			CHAIRMAN	10-06-2025							

VARIANCE ACTION FORM

ITEM NO: 25	1003V	DATE OF PUBLIC HEARING: OCTOBER 6, 2	025
OWNER NAM	ME(s):	Daryl & Antoinette Lloyd 6605 SW 89 th Loop Ocala, FL 34476	
AGENT NAM	IE(s):	N/A	
LEGAL DESC County, Florida		F PROPERTY: Parcel Account No. 35711-01-147, SEC 17 TWP 16 RGE	21, in Marion
	REQUESTED: Development	Request to reduce the (rear) setback from 15' to 10' for a new pool and (PUD) zone.	l deck, in a
*****	******	**********	
l. <u>Written</u>	Petition. A wr	FINDINGS OF BOARD OF ADJUSTMENT itten petition for a Variance has been submitted demonstrating that:	
A.		ons and circumstances exist which are peculiar to the land, structure or building involute to other lands, structures or buildings with the same zoning classification and la	
B.	The special con-	ditions and circumstances do not result from the actions of the applicant.	
C.	enjoyed by othe	tation of the provisions of applicable regulations would deprive the applicant of riger properties with the same zoning classification and land use area under the terms of sk unnecessary and undue hardship of the applicant.	
D.	The Variance, i structure.	if granted, in the minimum Variance that will allow the reasonable use of the lan	nd, building or
E.		ariance requested will not confer on the applicant any special privilege that is dether lands, buildings of structures in the same zoning classification and land use ar	
F.	1C-	f the Variance will not be injurious to the neighborhood or otherwise detrimenta	I to the public
2	GRANTED:	Based on the Board of Adjustment's finding that the requirements of Paragraph 1 been demonstrated by the applicant for Variance.	above have
3	DENIED:	Based on the Board of Adjustment's finding that the requirements of Paragraph I not been demonstrated by the applicant for Variance.	above have
4	M. Should the	IS & SAFEGUARDS: estructure be removed for any reason, any replacement structure must meet the the cks or a variance must be requested.	
	В		
	***************************************	CHAIRMAN	10-06-2025 DATE