

# Marion County Board of Adjustment Meeting Agenda

Monday, January 5, 2026

2:00 PM

Growth Services Building - Training Room

Call to Order and Roll Call

**Invocation and Pledge of Allegiance** 

**Explanation of Procedure for Hearing Variance Requests** 

- 1. Acknowledgment of Proof of Publication, Mailing and Posting of Notice
- 2. Consider the following Variance Requests
  - 2.1. 251001V Joseph & Ellen Metivier, Request a Variance 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 51st Lane, Ocala, FL 34481
  - 2.2. 251002V Johnny Busciglio & Rebecca Rosin 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
- 3. Other Business
- 4. Consider the Minutes of Previous Meeting
  - **4.1.** December 1, 2025

Adjourn



## **Marion County**

#### **Board of Adjustment**

#### Agenda Item

File No.: 2025-21610 Agenda Date: 1/5/2026 Agenda No.: 2.1.

#### SUBJECT:

**251001V** - Joseph & Ellen Metivier, Request a **Variance** 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

#### **DESCRIPTION/BACKGROUND:**

This is a variance request filed by the applicant Joseph Metivier, from the Land Development Code (LDC) Section 4.2.10 E, attached structures to the home are required to meet the Single -Family Residential (SFR) setbacks. The Land Development Code states that in R-1 zoning, the SFR setbacks are 25' from the front property line, 25' from the rear property line, and 8' from both side property lines. The applicant is requesting to have a front setback reduction from the required 25' to 10' for an existing detached pole barn-style carport. The carport was built without a permit. At the request of the board the owners are proposing to add a walkway to make it an attached carport and will need a setback reduction from 25' to 10'.



#### Marion County Board of County Commissioners

#### **Growth Services**

2710 E. Silver Springs Blvd. Ocala, FL 34470 Phone: 352-438-2600 Fax: 352-438-2601

## ZONING SECTION STAFF REPORT January 5, 2025 BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	251001V
CDP-AR	33033
Type of Case	Variance to reduce front setback from 25' to 10' for an existing pole barn-style carport.
Owner	Joseph and Ellen Metivier
Applicant	Joseph Metivier
Street Address	13310 SW 51 <sup>st</sup> LN, Ocala
Parcel Number	3495-165-102
Property Size	1.16 acres
Future Land Use	Rural Land (RL)
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Farmland Preservation
Project Planner	Cristina Franco, Zoning Technician I
Related Case(s)	Open Code Case 986287- Carport and electric for gate and garage door without the applicable permits.

#### I. ITEM SUMMARY

This is a variance request filed by the applicant Joseph Metivier, from the Land Development Code (LDC) Section 4.2.10 E, attached structures to the home are required to meet the Single-Family Residential (SFR) setbacks. The Land Development Code states that in R-1 zoning, the SFR setbacks are 25' from the front property line, 25' from the rear property line, and 8' from both side property lines. The applicant is requesting to have a front setback reduction from the required 25' to 10' for an existing detached pole barn-style carport. The carport was built without a permit. At the request of the board the owners are proposing to add a walkway to make it an attached carport and will need a setback reduction from 25' to 10'.

SW 49 PL

251001V SSW,53-ST

SW,53-ST

251001V

Parcels

FIGURE 1
GENERAL LOCATION MAP

#### II. PUBLIC NOTICE

Notice of public hearing was mailed to (11) property owners within 300 feet of the subject property on December 19, 2025. A public notice sign was posted on the subject property on December 12, 2025 (Figure 2), and notice of the public hearing was published in the Star-Banner on December 22, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

#### III. PROPERTY CHARACTERISTICS

The subject 1.16-acre lot is located within the recorded subdivision, Rolling Hills Unit 5. The property has a Rural Land Future Land Use Map Series (FLUMS) designation with an R-1 Zoning Classification. LDC Section 4.2.10.E provides the determined setbacks to be a minimum 25' front setback, a minimum 25' rear setback, and a minimum 8' sides setback.

The 1.16-acre subject property is displayed as Lot 2 E 1/2, Block 165, Plat Book L Page 077 in Rolling Hills Unit 5. The property has 305' depth with 165' width.

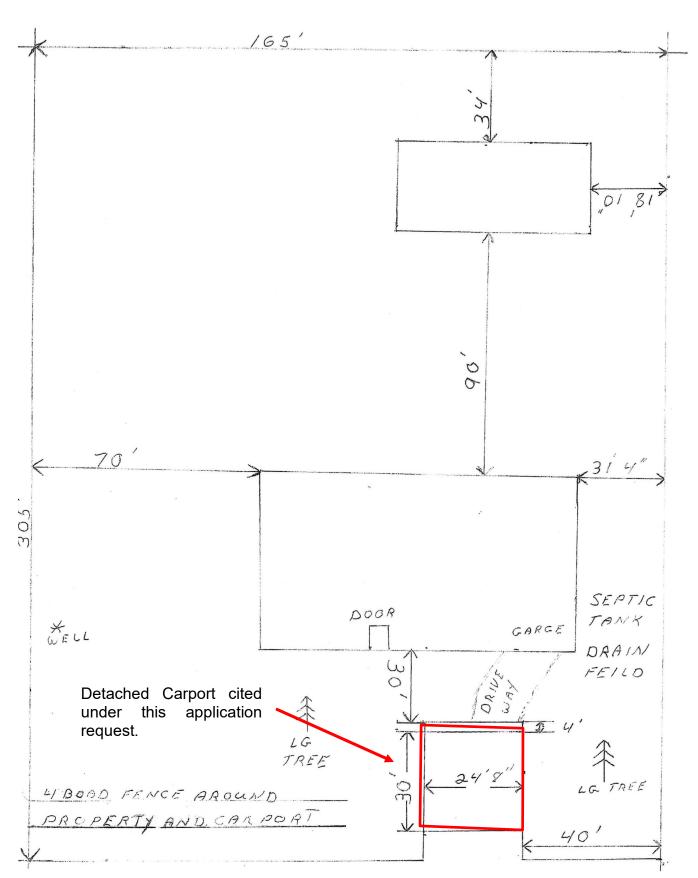


**Metivier property** 

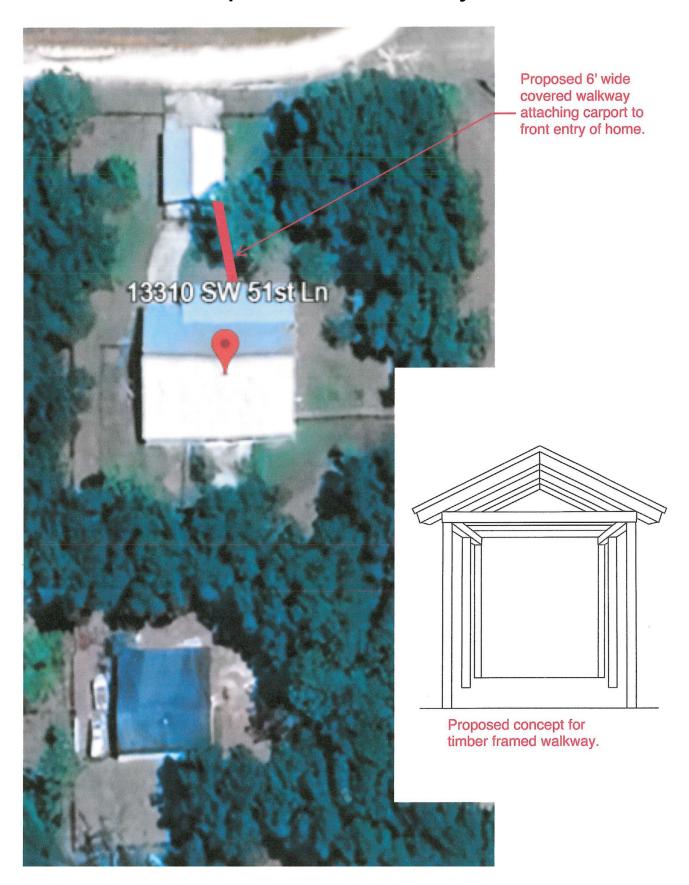
#### IV. REQUEST STATEMENT

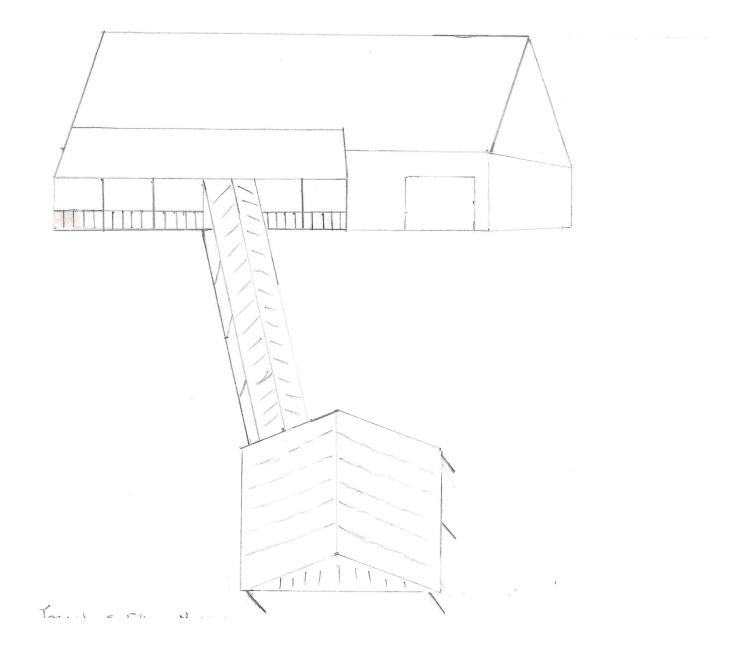
This application requests a variance from LDC Section 4.2.10.E. for the front setback from the required 25' to 10' for an existing accessory barn-style carport. Consistent with LDC Section 2.9.3.B., on August 26, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

Figure 4 Site Plan



#### **Proposed covered walkway**





#### **ANALYSIS**

LDC Section 2.9.4.E provides the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. The six (6) criteria and the staff's analysis of compliance with those criteria are provided below.

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which do not apply to other lands, structures, or buildings with the same zoning classification and land use area.

**Analysis**: Applicant requests a reduction of 25' to 10' from a front-line setback in an R-1 (single-family dwelling) zoning classification for the placement of a pole barn-style carport. An existing fence, hedges, an electric light pole, and trees prohibit placement anywhere else. Posts are set in concrete approximately 3 feet deep.

**Staff** inspected the property to show that this is an accessory structure in the front of the home and if permits would have been applied for, it would have been rejected for being an accessory structure in front of the home. Accessory structures are allowed on R-1 zoning on the side or rear of the property only.

2. The special conditions and circumstances do not result from the actions of the applicant.

**Analysis**: The applicant states that the existing driveway, fence, hedges, electric light pole, and trees on the property were considered prior to considering the placement of the carport.

**Staff** finds that if he had pulled the applicable permits, it would not have been approved by zoning, it is not attached, and does not meet the setback requirements, and is also an accessory in front of the home. And if the carport was attached to the home, it would need to meet the front setback requirement of 25' from the property line.

3. 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 on the applicant.

**Analysis**: Applicant states that the granting of this variance would not be irregular to the surrounding neighborhood. This is not and will not adversely affect any property owners.

**Staff** finds that if the applicable permits were pulled, it would not have been approved by zoning, it is not attached, and does not meet the setback requirements, and is also an accessory in front of the home. The applicant would

Case No. 251001V Page 8 of 8

have enough space to meet requirements if attached to the home. There is also enough space to meet setbacks on the sides and the rear of the home.

4. The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building, or structure.

**Analysis**: The applicant states that a reduction of the 25' to 10' from the property front line was the minimum needed to place the carport in its present location.

**Staff** finds that per the site plan provided, there is enough space on the side and rear of the property for an accessory structure, and would have enough space in the front of the property if the carport were attached to the home to meet the 25' front setback requirement for an attached carport. If homeowners had pulled the necessary permits, zoning would have denied them for the current location and also for not being attached to the house, as accessory structures are not allowed in front of an R-1 zoning classification.

5. 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.

**Analysis**: True.

**Staff** finds that granting any variance is a privilege; the structure would not have met the Land development code as an accessory building in the front of the home in the R-1 zoning, which is not permitted and would not have been approved. No other homeowners in the area are allowed to encroach on the front setback.

6. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Analysis: True.

Staff finds that if variance is granted, it would not be injurious to the neighborhood.

#### V. LIST OF ATTACHMENTS

- A. Application Variance filed by Joseph Metivier, July 1, 2025
- B. Site Plan
- C. Marion County Property Appraiser Property Record Card
- D. 300' Mailing Radius Map
- E. Area Map of Zoning Classifications
- F. Warranty Deed
- G. Photos



## Marion County Board of County Commissioners

Orowth Services 2710 E. Silver Springs Blvd. Ocala, FL 34470 Phone: 352-438-2675 Fax: 352-438-2676

OFFICE	USE	ONLY
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Received By:

Date Received:

4:20 pm

#### VARIANCE APPLICATION

Application #:	R3495-165-102
FOR COUNTY USE ONLY	Parcel Account Number of Subject Property
THE UNDERSIGNED REQUESTS A VARIANCE AS REF	OF:
Approval of existing pole barn style c	arport.
Requesting Set Dack reduction from	1 25' to 10', on RI
Section of Code requesting variance from:	
Legal Description (Please attach a copy of deed). Total Acr	eage of subject property:   \ \ \ \ \ \ \   +/- acres
Directions to subject property:	
Head west on SR40, Turn left onto & SW 49th Place. Turn right onto SW 13	in 140th Ave. Turn left onto
SW 51ST LN: 13310 SW SIST LN ON	LOCAL TURN left onto
Please Note: Property owner must sign this application: Ownitten authorization naming an agent to act in his/her behalf.	therwise he/she must attach to this application
Ellen Metivier	
(Print/Signature) Property Owner Eller Met	(Print) Applicant or Agent
Josep CM celin	Joseph C. Metivier
Address	Address
13310 SW 51 LN	13310 SW 51 LN
City, State, Zip Code	City, State, Zip Code
Ocala, FL 34481	Ocala FL 34481
Contact Info: Phone, cell, e-mail address	Contact Info: Phone, cell, e-mail address
THE FILING FEE IS \$ 550 NON-REFINDABLE WE DECOMME	vier @ acl : com

THE FILING FEE IS \$ 550 NON-REFUNDABLE. WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUIRES ADDITIONAL INFORMATION, THEY MAY DECIDE TO POSTPONE OR DENY THE REQUEST. NOTICE OF SAID HEARING WILL BE MAILED TO THE ABOVE ADDRESS. ALL INFORMATION GIVEN MUST BE CORRECT AND LEGIBLE TO BE PROCESSED. PLEASE NOTE THAT A WRITTEN PETITION (REFER TO PAGE 2 & 3) MUST BE PROVIDED WITH THIS APPLICATION, ALONG WITH A SITE PLAN IN ORDER TO BE CONSIDERED COMPLETE. FOR FURTHER INFORMATION CONTACT THE MARION COUNTY GROWTH SERVICES.

AR 33033

Farmland-yes 502-NO 5econdory S

#### Page 2

#### WRITTEN PETITION FOR VARIANCE

WRITE YOUR ANSWERS IN THE SPACE PROVIDED AFTER EACH STATEMENT. PLEASE COMPLETE ALL REPLIES USING A SENTENCE FORM. A VARIANCE FROM THE TERMS OF THESE REGULATIONS SHALL NOT BE GRANTED BY THE BOARD OF ADJUSTMENT UNLESS A WRITTEN PETITION FOR A VARIANCE IS SUBMITTED JUSTIFYING THE FOLLOWING:

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.

#### Applicant's justification:

Requesting a reduction of 25' to 10' from a front line set back in a R-1 (Single-Family Residential) zoning classification for placement of a pole born style carport. An existing fence, hedges, electric light pole and trees prohibit placement anywhere else. Posts are set in concrete approximately 3 feet deep.

B. The special conditions and circumstances do not result from the actions of the applicant.

#### Applicant's justification:

Existing driveway, fence, hedges, electric light pole and trees on property prior to considering placement of corport.

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 are under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

#### Applicant's justification:

Granting of this variance would not be irregular to the surrounding neighborhood. This has not and will not adversely affect any property owners.

Page 3

**D.** The Variance, if granted, is the minimum Variance that will allow the reasonable use of the land, building or structure.

Applicant's justification:

A reduction of 25 feet to 10 feet from the property front line (north side) was the minimum needed to place the carport in its present location.

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.

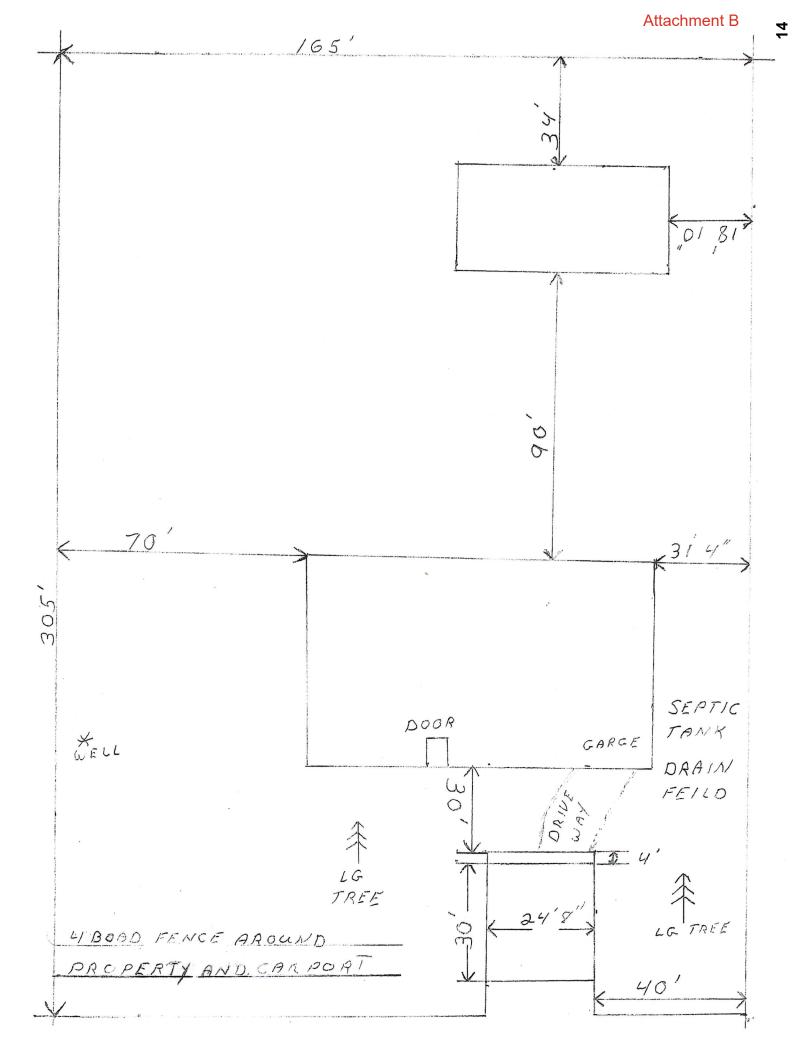
Applicant's justification:

True

**F.** The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's justification:

True



Jimmy H. Cowan, Jr., CFA

## Marion County Property Appraiser

TANDON COUNTY, STORY

501 SE 25th Avenue, Ocala, FL 34471 Telephone: (352) 368-8300 Fax: (352) 368-8336

#### 2025 Property Record Card

3495-165-102

GOOGLE Street View

Prime Key: 834912

MAP IT+

Current as of 7/1/2025

**Property Information** 

METIVIER JOSEPH C METIVIER ELLEN L 13310 SW 51ST LN

OCALA FL 34481-8130

School Taxable

Taxes / Assessments:
Map ID: 75

.

M.S.T.U. PC: 01 Acres: 1.16

Millage: 5072 - UNINCORPORATED

Situs: 13310 SW 51ST LN OCALA

2024 Certified Value

 Land Just Value
 \$29,232

 Buildings
 \$339,777

 Miscellaneous
 \$2,463

 Total Just Value
 \$371,472

 Total Assessed Value
 \$158,373

 Exemptions
 (\$50,000)

 Total Taxable
 \$108,373

472 Impact 373 <u>Ex Codes:</u> 01 38 000)

(\$213,099)

History of Assessed Values

\$133,373

Year 2024 2023	\$29,232 \$25,172	<b>Building</b> \$339,777 \$312,372	Misc Value \$2,463 \$2,575	Mkt/Just \$371,472 \$340,119	Assessed Val \$158,373 \$153,760	Exemptions \$50,000 \$50,000	<b>Taxable Val</b> \$108,373 \$103,760
2022	\$18,096	\$275,648	\$2,463	\$296,207	\$149,282	\$50,000	\$99,282

#### Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
<u>1976/1604</u>	10/1993	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$3,150
<u>1071/0010</u>	06/1981	07 WARRANTY	0	Ü	V	\$5,000

#### Property Description

SEC 32 TWP 15 RGE 20 PLAT BOOK L PAGE 077 ROLLING HILLS UNIT 5 BLK 165 LOT 2 E 1/2

Land Data - Warning: Verify Zoning

MCPA Property Record Card

Use **CUse** Front Depth Units Type Rate Loc Shp Phy Class Value Just Value Zoning 0100 165.0 305.0 R1 1.16 AC Neighborhood 9310 - ROLLING HILLS DIRT SFR & VAC Mkt: 7 70 **Traverse** Building 1 of 1 RES01=U32R17U21L63D53R24U2R7D2R15. FGR02=U32R17D32L17. FOP03=D8L46U8R24U2R7D2R15.R17U53L46 PTO04=U14R3U8R15D8R4D14L22.U40 FDG05=U26L40D26R40.L1 FCP06=D16L38U16R38. FDG05 40 26 26 FCP06 38 16 16 38 PTO045 8 RES01 63 21 FGR0217 53 32 32 32 FOP03 15

#### **Building Characteristics**

**Improvement** 

1F - SFR- 01 FAMILY RESID

Effective Age Condition

3 - 10-14 YRS 3

**Quality Grade** 

600 - AVERAGE

Inspected on

3/27/2020 by 118

Obsolescence: Functional 0% Obsolescence: Locational 0%

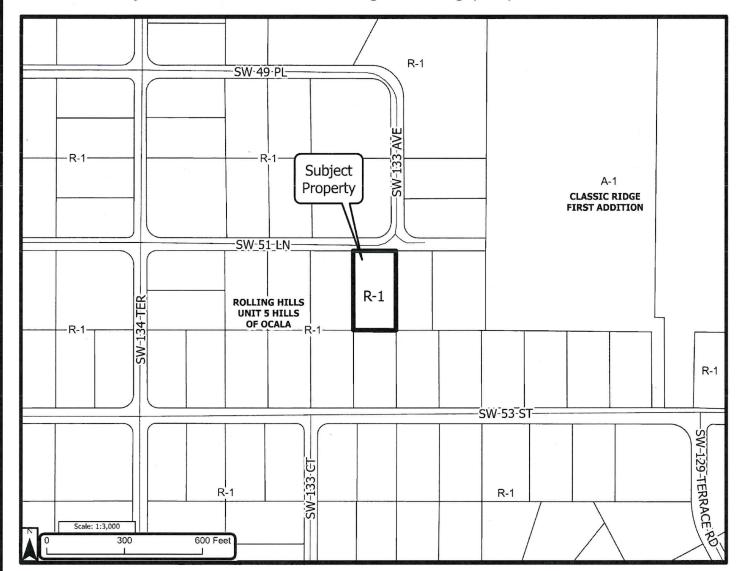
Year Built 1994

Physical Deterioration 0%

						Archite	cture 0 - STANDA Base Perir	
Type IDExterior Walls	Storie	s Year Built Finishe	d Attic B	smt Area	Bsmt Finish	Ground	l Floor Area Tota	l Flr Are
RES 0129 - VINYL SIDING	1.00	1994		0 %	0 %		2,781	2,78
FGR 0229 - VINYL SIDING	1.00	1994	1	0 %	0 %		544	54
FOP 0301 - NO EXTERIOR	1.00	1994	1	0 %	0 %		382	38
PTO 0401 - NO EXTERIOR	1.00	1994	1	0 %	0 %		428	42
FDG 0524 - CONC BLK-PAINT	1.00	1995	1	0 %	0 %		1,040	1,04
FCP 0601 - NO EXTERIOR	1.00	2005	1	0 %	0 %		608	60
Section: 1								
Roof Style: 10 GABLE Roof Cover: 08 FBRGLASS SH Heat Meth 1: 20 HEAT PUMP Heat Meth 2: 00 Foundation: 7 BLK PERIMETE A/C: Y		Floor Finish: 24 C Wall Finish: 16 D Heat Fuel 1: 10 E Heat Fuel 2: 00 Fireplaces: 0	RYWALL		Bedrooms: 4 Fixture I 3 Fixture I 2 Fixture I Extra Fixt	Baths: 0 Baths: 2 Baths: 0	Blt-In Kitchen: N Dishwasher: Y Garbage Dispose Garbage Compa Intercom: N Vacuum: N	al: Y
	2	Miscellane	ous Impr	ovements			× .	***************************************
Type		Nbr Uni	• •	Life	Year In	Grade		Widtl
190 SEPTIC 1-5 BTH		1.0		99	1995	2	0.0	0.0
256 WELL 1-5 BTH 159 PAV CONCRETE		1.0		99	1995	2	0.0	0.0
105 FENCE CHAIN LK		794.0		20	1996	3	0.0	0.0
114 FENCE BOARD		112.0		20	1996	1	0.0	0.0
114 FENCE BOARD		985.0	) LF	10	2005	3	0.0	0.0
		Apr	raiser No	tes		T-Mahada Basar Statistica Statistica serial anno seria		
			g and Bu mit Searc					
Permit Number		Date Issued		Date	Completed		<b>Description</b> SFAS(FDG)	
MA88101		12/1/1994						

## Public Notification for: VARIANCE Marion County Growth Services Planning & Zoning (352) 438-2675

251001V



Public Hearing:
Board of
Adjustment
10/06/2025 @ 2:00 P.M.

#### Public Hearing Location:

Growth Services Training Room 2710 East Silver Springs Boulevard Ocala, FL 34470

Owner(s):	Joseph & Ellen Metivier
Agent(s):	N/A
Property Location:	13310 SW 51 <sup>st</sup> LN, Ocala, FL 34481
Parcel(s):	3495-165-102 <b>Acreage:</b> ± 1.16
Zone(s):	R-1, Single-Family Dwelling

#### Request Description:

Request a Variance in accordance with 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.

You are receiving this notification because you own property
That is located within 300' of the subject parcel(s).

If you have any questions, please call (352) 438-2675

All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided in a visual representation only and is not intended to be used as a legal or official representation of legal boundaries.

	ument was Prepared by different to:	Man Divay De	, (a		
-	930452 Elizabeth A. McGinley	\$3-070551	1 9	3110712 6111:32	吳
3	ACCREDITED TITLE INUX E. Silver Springs Blvd.	35 01300			9.
~~	Ocala, FL 34470				BK 1976PG1604
Property	Apprilsers Parcel I.D. (Polio) #'s: 3495-165-102		TATE		9 - 9
Grantee(s	) SS. #(b);	79 - 1		= 2 2 4 C	40,
CSV			100 - KSV (2'93 V		
83:40 Dy	THIS WARRANTY DEED	Made Navem	ber 241, 1993		
25.40	John J. Bell and Helen S. Bell,		<del>001</del> ∂4[, 1993		hy:
0				hereinafter called the gr	antor(s), to
	Joseph C. Metivier and Ellen L. whose post office address is: 13351 S	. Metivier, husband and v SW 49th Place, Ocala, Fl	vile L 34481		
	(Wherever used herein the to	enn "grantor and games in	solude all the parties	hereinafter called to this instrument and	the grantee:
	Witnesseth: That the eranto	s und assigns individuals und or, for and in consideration c	of the sum of \$10.00	and other valuable considers	tions, receipt
	whereof is hereby acknowledged, hereby grants certain land situate in Marion County, S	iate of Florida, viz:	isa, relaisa, conve	s and confirms unto the gra	ntee all that
	East 1/2 of Lot 2, Block 165, ROLLING	G HILLS UNIT FIVE.	is per Plat theren	f recorded in Plut Book I	. nagrs 77
	through 91, inclusive, as corrected in O.R	E. Book 518, page 648, all	among the Public	Records of Marion Coun	ty, Florida.
			,		
	Together, with all the tenemen	nts. Rereditaments and across	ricanice therein he	undles or in adults and second	latu.
	To Have and to Hold,	the same in fee simple for	ever.		
	And the grantor hereby envenants grantor has good right and tawful authority to some against the lawful claims of all persons	sell and convey said land.	and hereby warrants	the title to said band and ad	Il deland the
	year, ensements and restrictions of record; said	d reference, however, shall i	not serve to reintixe	e the sime.	
	Signed, sealed and delivered in the present		- 0		
	Witnest Signature as to all parties	from	Signature	I Cool	(L.S.)
	Printed Signature	#	JOHN BELL	J	
	! Hum I Wayst Jus	stan	1 Heles	SBELL	(L.S.)
	Printed Signature	<del>\</del>	Signature HELEN S. BEL	L	
		7	Priss Office Address 25 Ash		
	STATE OF VENNSYLVANIA		Jim The	orpe, PA 18229	
	COUNTY OF V CARBON		Octob	פר בם	
	The foregoing instrument was acknow by John J. Bell and Helen S. Bell, husbar	nd and wife who being per	rsonally known to m	bor '. 1993	ollowing torm
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e e	My Commission  [Notarrall Scal] Inches Porrsylva	n Expires June 22, 1996 I'm M	fame: V KIN	JUSHU HAUP F.	
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Facing south west looking North of the property

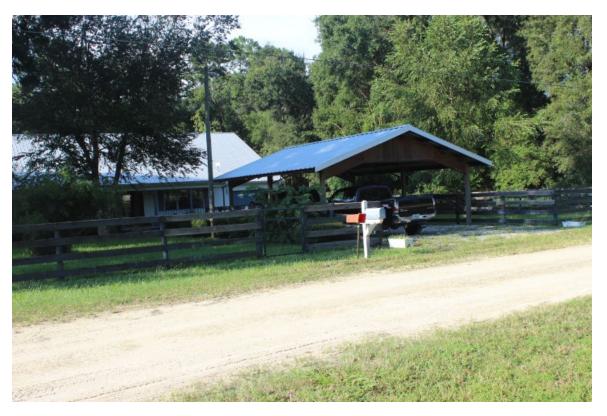


Facing south west looking North of the property



Facing South looking at the North of the property





Facing southeast looking at the front of the property



Picture of the mailbox of the property



Posting done on 8/26/25





## **Marion County**

#### **Board of Adjustment**

#### Agenda Item

File No.: 2025-21612 Agenda Date: 1/5/2026 Agenda No.: 2.2.

#### SUBJECT:

**251002V** - Johnny Busciglio & Rebecca Rosin 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 st Avenue Road, Ocklawaha, FL 32179

#### DESCRIPTION/BACKGROUND:

Michael Alan Homes, on behalf of property owner Rebecca Rosin & Johnny Busciglio, filed a request for a variance from the Land Development Code (LDC) Section 5.2.4.A and 5.2.4.G(4) ESOZ Development Standards, to allow for an SFR, and an inground swimming pool and deck. The property is zoned Single-Family Residential R-1 and within the ESOZ area. Waterfront properties in the ESOZ area consider the front yard as the waterfront side and allow for a pool with a deck in this area as stated in Sec. 5.2.4.G(3) of the LDC.



#### Marion County Board of County Commissioners

#### **Growth Services**

2710 E. Silver Springs Blvd. Ocala, FL 34470 Phone: 352-438-2600 Fax: 352-438-2601

#### ZONING SECTION STAFF REPORT BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	251002V
CDP-AR	33007
Type of Case	<b>Variance</b> to allow for a reduced Environmentally Sensitive Overlay Zone (ESOZ) waterfront setback from 75' to 30' for the Construction of a single-family residence (SFR) and inground pool.
Owner	Rebecca Rosin and Johnny Busciglio
Applicant	Michael Alan Homes
Street Address	12640 SE 141 <sup>st</sup> Avenue Road, Ocklawaha, FL
Parcel Number	49007-001-00
Property Size	±.84 acres
Future Land Use	Medium Residential (MR)
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Environmentally Sensitive Overlay Zone (ESOZ), Secondary Springs Protection Zone (SSPZ)
Project Planner	Clint Barkley, Zoning Technician
Related Case(s)	960201V – Variance granted for reduction from 75' to 50' for a single-family residence in an ESOZ area.

marionfl.org 2

#### I. ITEM SUMMARY

Michael Alan Homes, on behalf of property owner Rebecca Rosin & Johnny Busciglio, filed a request for a variance from the Land Development Code (LDC) Section 5.2.4.A and 5.2.4.G(4) ESOZ Development Standards, to allow for an SFR, and an inground swimming pool and deck. The property is zoned Single-Family Residential R-1 and within the ESOZ area. Waterfront properties in the ESOZ area consider the front yard as the waterfront side and allow for a pool with a deck in this area as stated in Sec. 5.2.4.G(3) of the LDC.

FIGURE 1
General Location Map



#### II. PUBLIC NOTICE

Notice of the public hearing was mailed to eight (13) property owners within 300 feet of the subject property on September 19, 2025. A public notice sign was posted on the subject property on August 25, 2025 (see Attachment I). Notice of the public hearing was published in the Star Banner on September 22nd, 2025. Evidence of the public notice requirements is on file with the Growth Services Department and is incorporated herein by reference. We have received no letters in opposition.

#### III. PROPERTY CHARACTERISTICS

The subject 0.84-acre property is located within the Medium Residential, Single-Family Dwelling (R-1) Zoning Classification. The subject property is located in the Southeastern portion of Marion County and is a lot in the Weir Park subdivision established on June 1, 1885. LDC Section 4.2.9.(A) provides the intent of the Single-Family Dwelling (R-1) Zoning Classification is to provide areas for medium-density residential development.

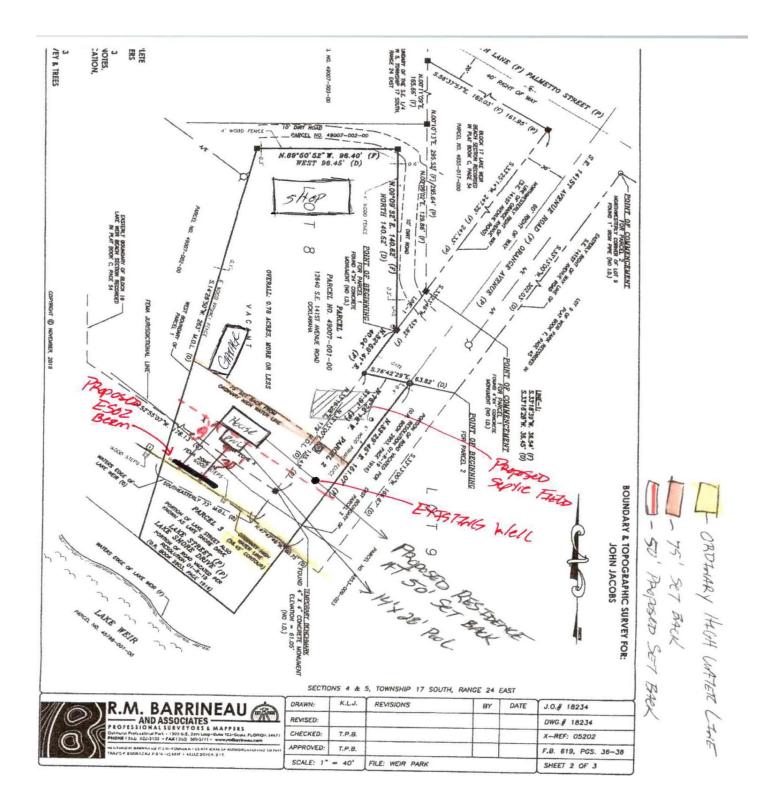
The aerial and site plan show the property (See Figures 1, 2, & 3). The site plan has the property dimensions and shows the location of the proposed structures on the property. (See Figure 3). The subject lot fronts on Lake Weir, and the subject site is required to meet ESOZ setbacks of 75' from the southern safe upland line unless a variance for reduction is granted.



Figure 2
Aerial

Figure 3

#### Owners sketch (Site Plan)



#### IV. REQUEST STATEMENT

The applicant requests a reduction of the waterfront ESOZ setback from 75' to 30' for an SFR and inground pool. At the November 3<sup>rd</sup>, 2025, hearing, an alternate site plan was provided by the applicant indicating that the home and pool could be placed on the property without the need of a variance. The site plan attached below shows that the minimum 75' setback can be met.

Figure 4
Alternate Site Plane

#### V. ANALYSIS

LDC Section 2.9.2.E provides that the Board of Adjustment shall not grant a variance unless the petition demonstrates compliance with six (6) criteria. Marion County Staff analysis of compliance with the six (6) criteria is provided below.

1. 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.

**Analysis**: The applicant states that we are requesting a 45' variance to make the setback 30' to the proposed house and swimming pool from the ordinary highwater line, as opposed to the 75' setback currently assessed. Additionally, a detached garage and a detached workshop will be constructed on the property.

**Staff finds**: The Weir Park subdivision was platted in 1885. Current LDC requirements for properties located in an ESOZ area were established in 2013. A setback of 30' to the proposed pool with deck and 50' for SFR from the ordinary high-water line is not necessary. The owner could move the proposed house and pool to meet the current setbacks of 75' from the ordinary high-water line.

2. The special conditions and circumstances do not result from the actions of the applicant.

**Analysis:** The applicant states the irregular shape of the subject lot width, style, and egress point onto the property makes it difficult to build the proposed structures and meet the minimum setback requirements for the well, septic, and potentially incur undue cost in construction for relocating power lines, well, and septic on the property.

**Staff finds**: A variance is required when zoning requirements cannot be met. Per the survey, all proposed structures, if moved or reconfigured, can at least meet the 75' ESOZ setback.

3. 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 cause unnecessary and undue hardship on the applicant.

Analysis: The applicant states that homes adjacent to and within the immediate vicinity have been built on similar irregular parcels and have been granted similar requests that have been allowed for the efficient and complete use of their properties. Without this variance approval, the design and installation of the proposed structures, include the well and septic systems, would be drastically impacted, and the full use of the property by the owner would be greatly diminished. This home if not approved, would not conform to the surrounding homes and like properties, potentially reducing the home's value and restricting the full use of the property by the owner.

**Staff finds**: A variance was similarly requested in 1996 for the neighboring property to the west. Variance 960201V was granted for a 25' ESOZ setback reduction to 50', and prior to current code. The home to the east was constructed in 1928. Variances are granted on a case by case basis and the applicant has provided evidence that the minimum required 75' setback can be met.

4. The variance, if granted, is the minimum variance that will allow the reasonable use of the land, building, or structure.

**Analysis**: The applicant states Yes, a new home and pool would be constructed under the current building codes, and would properly provide for the use of the land as provided for under the Marion County Land Development Code.

**Staff finds**: The requested variance is not the minimum required; as per the survey attached, the structure could be moved to meet the 75' ESOZ setback.

5. 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.

**Analysis**: The applicant states that it is understood that this variance, if approved, would apply solely to Marion County Parcel ID #49007-001-00.

**Staff finds**: That granting the variance would confer to the applicant a special privilege because they have shown the setbacks can be met and no hardship has been provided.

6. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

**Analysis**: The applicant states that this home will be a similar distance from the lake as the nearby homes.

**Staff finds**: If the variance is granted, it would not be injurious to the neighborhood as long as the applicant pulls the correct permits and gets them approved. Also, the applicant has a berm depicted on the survey to catch any stormwater runoff, not allowing it to go into the body of water.

#### VI. LIST OF ATTACHMENTS

- A. Deed
- B. Sign posting
- C. Survey
- D. Property Card
- E. Aerial provided by owner
- F. Vicinity Map Mailer
- G. Application
- H. Photos
- I. Floor Plan
- J. New sign posting
- K. Information from applicant



This instrument was prepared by, record and return to: Richard Mutarelli, Jr., Esq. McGraw, Rauba, Mutarelli, P.A. 35 S.E. 1st Avenue, SUITE 102 Ocala, FL 34471 352-789-6520

GREGORY C HARRELL CLERK & COMPTROLLER MARION CO

DATE: 05/17/2024 09:38:03 AM

FILE #: 2024063379 OR BK 8324 PGS 1996-1998

REC FEES: \$27.00 INDEX FEES: \$0.00

DDS: \$2905.00 MDS: \$0 INT: \$0

#### WARRANTY DEED

THIS INDENTURE made effective the <u>30</u> day of April 2024, between **BRAD LEONARD** and **KAREN LEONARD**, husband and wife, whose address is 1238 SW 19<sup>th</sup> Ave, Ocala, FL 34471, Grantor, and **JOHNNY BUSCIGLIO** and **REBECCA ROSIN**, husband and wife, whose address is 12640 SE 141<sup>st</sup> Avenue Rd, Ocklawaha, FL 32179, Grantee. (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to the instrument and the heirs, legal representatives and assigns of the individuals, and the successors and assigns of corporations).

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable considerations, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantees all that certain land situate in Marion County, Florida, to wit:

#### SEE ATTACHED EXHIBIT "A".

THE LANDS ABOVE DESCRIBED ARE NOT THE HOMESTEAD OF GRANTOR NOR CONTIGUOUS THERETO AS DEFINED BY ARTICLE 10 SECTION 4 OF THE FLORIDA CONSTITUTION, AND NEITHER THE GRANTOR NOR THE GRANTOR'S SPOUSE, NOR ANYONE FOR WHOSE SUPPORT THE GRANTOR IS RESPONSIBLE, RESIDES ON OR ADJACENT TO SAID LAND.

F.S. Section 689.02 required information:

Property Appraiser's Parcel I.D. Number: 49007-001-00

#### SUBJECT TO:

- 1. Ad valorem taxes for 2024 and subsequent years;
- 2. Any and all governmental zoning laws, rules and regulations applicable to the property;
- 3. Easements, reservations, declaration of covenants, conditions and restrictions and riparian rights of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes and assessments accruing subsequent to December 31, 2023 or subject matters shown in the title commitment.

Grantor and Grantee are used for singular or plural, as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

in our presence:	GRANTOR:  GRAD LEONARD
Print Name 35 SE IST AVE., STE. 102 OCALA. FLORIDA 34471 Address	DYON DOMOS
Vitness  Samantha Welendez  Print Name 35 SE IST AVE., STE., 102  OCALA, FLORIDA 34471	
Address	
STATE OF	ledged before me by means of [ ] physical pril 2024 by BRAD LEONARD and KAREN  NO ) to be the person described in
identification and acknowledged before me that they execu	ted same for the purposes expressed herein.
WITNESS my hand and official seal in the County 2024.	and State last aforesaid this 30 day of April
	otary Public, State of Florida y Commission Expires:

#### **EXHIBIT "A"**

#### PARCEL 1:

COMMENCING AT THE INTERSECTION OF THE EAST BOUNDARY OF THE SE 1/4 OF SECTION 5, TOWNSHIP 17 SOUTH, RANGE 24 EAST, MARION COUNTY, FLORIDA, WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF ORANGE AVENUE, LAKE WEIR BEACH SECTION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "C", PAGE 54, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE SOUTH 33°16'28" WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 36.45 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING FROM SAID RIGHT-OF-WAY LINE NORTH 140.52 FEET; THENCE WEST 96.45 FEET; THENCE SOUTH 14°26'50" WEST 263 FEET; MORE OR LESS, TO THE WATER'S EDGE OF LAKE WEIR; THENCE SOUTHEASTERLY ALONG AND WITH SAID WATER'S EDGE 73 FEET, MORE OR LESS, TO A POINT THAT BEARS SOUTH 33°16'28" WEST FROM THE POINT OF BEGINNING; THENCE NORTH 33°16'28" EAST 179 FEET, MORE OR LESS, TO THE POINT OF BEGINNING

AND

PARCEL 2:

THE WESTERLY 1/2 THE FOLLOWING VACATED ROAD, LYING EASTERLY AND ADJACENT TO THE ABOVE DESCRIBED PARCEL:

COMMENCE AT THE NORTHWESTERLY CORNER OF LOT 9 OF WEIR PARK, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "E", PAGE 45, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA: THENCE S33°13'00"W, ALONG THE EASTERLY RIGHT OF WAY LINE OF S.E. 141ST AVENUE ROAD (60 FOOT WIDE) A DISTANCE OF 302.03 FEET, TO THE POINT OF BEGINNING: THENCE CONTINUE S33°13'00"W, ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 166.67 FEET TO A POINT ON THE ORDINARY HIGH WATER LINE OF LAKE WEIR; THENCE N47°47'46"W, ALONG SAID ORDINARY HIGH WATER LINE OF LAKE WEIR A DISTANCE OF 60.75 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF AFORESAID S.E. 141ST AVENUE ROAD; THENCE N33°13'00"E, ALONG SAID WESTERLY RIGHT OF WAY LINE A DISTANCE OF 135.43 FEET; THENCE S76°42'29"E, A DISTANCE OF 63.82 FEET, TO THE POINT OF BEGINNING.

AND

PARCEL 3:

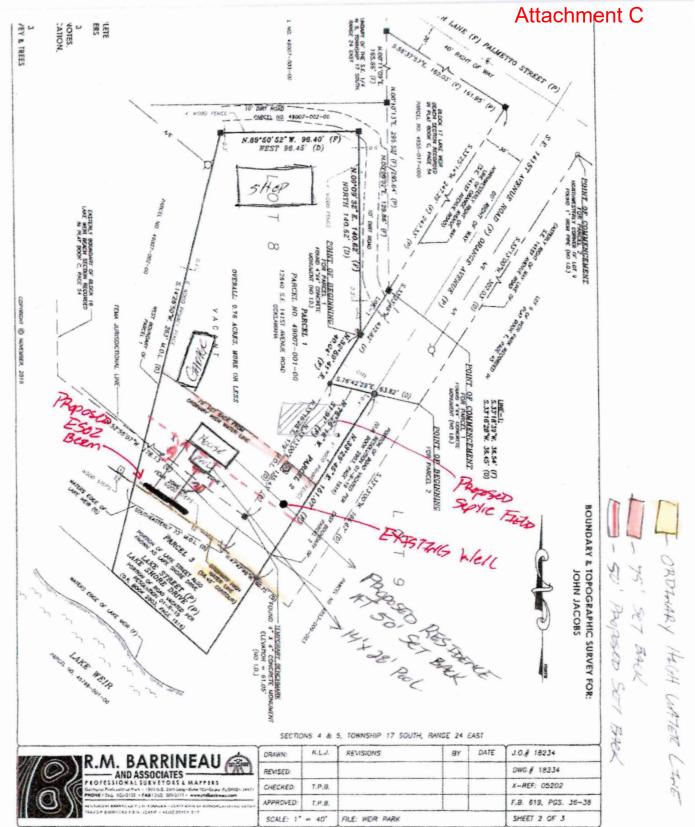
A PARCEL OF LAND LYING IMMEDIATELY SOUTH OF AND ADJACENT TO THE PROPERTY AS DESCRIBED IN PARCEL 1, AND WESTERLY OF THE PROPERTY DESCRIBED IN PARCEL 2, ABOVE: BEING A PORTION OF THE FOLLOWING:

THAT PORTION OF LAKE STREET, ALSO KNOWN AS LAKE SHORE DRIVE, LYING BETWEEN A LINE BEING THE SOUTHERLY EXTENSION TO THE WATERS OF LAKE WEIR OF THE EASTERLY BOUNDARY OF BLOCK 16, LAKE WEIR BEACH SECTION AS RECORDED IN PLAT BOOK "C", PAGE 54, PUBLIC RECORDS OF MARION COUNTY, FLORIDA AND THE SOUTHERLY EXTENSION OF THE WEST BOUNDARY OF PINEAPPLE AVENUE AS PER THE PLAT OF WEIR PARK, AS RECORDED IN PLAT BOOK "E", PAGE 45, PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

# Attachment B







# 7

Jimmy H. Cowan, Jr., CFA

# Marion County Property Appraiser

COUNTY FLOW

501 SE 25th Avenue, Ocala, FL 34471 Telephone: (352) 368-8300 Fax: (352) 368-8336

# 2025 Property Record Card

49007-001-00

GOOGLE Street View

Prime Key: 2264233

MAP IT+

Current as of 8/28/2025

M.S.T.U.

**Property Information** 

BUSCIGLIO JOHNNY ROSIN REBECCA 12640 SE 141ST AVENUE I

12640 SE 141ST AVENUE RD OCKLAWAHA FL 32179 Taxes / Assessments: Map ID: 294

Millage: 9001 - UNINCORPORATED

PC: 00 Acres: .84

Situs: 12640 SE 141ST AVENUE RD OCKLAWAHA

#### Current Value

Land Just Value	\$320,124
Buildings	\$0
Miscellaneous	\$1,217
Total Just Value	\$321,341
Total Assessed Value	\$321,341
Exemptions	\$0
Total Taxable	\$321,341

Ex Codes:

#### History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2024	\$320,124	\$0	\$1,217	\$321,341	\$321,341	\$0	\$321,341
2023	\$320,124	\$0	\$1,217	\$321,341	\$321,341	\$0	\$321,341
2022	\$314,408	\$0	\$1,217	\$315,625	\$284,306	\$0	\$284,306

#### **Property Transfer History**

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
8324/1996	04/2024	07 WARRANTY	4 V-APPRAISERS OPINION	Q	V	\$415,000
7805/0107	06/2022	07 WARRANTY	9 UNVERIFIED	Q	V	\$385,600
5711/1831	07/2012	07 WARRANTY	7 PORTIONUND INT	U	V	\$200,000
5691/1753	06/2012	61 FJDGMNT	0	U	V	\$100
5680/1013	04/2012	05 QUIT CLAIM	7 PORTIONUND INT	U	V	\$100
4383/0049	03/2006	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$650,000
3980/1747	03/2005	25 PER REP	<b>4 V-APPRAISERS OPINION</b>	U	I	\$362,000
2903/1916	01/2001	94 ROAD AB	0	U	V	\$100
1505/1781	05/1988	07 WARRANTY	0	U	V	\$100

### **Property Description**

SEC 05 TWP 17 RGE 24

PLAT BOOK E PAGE 045

WEIR PARK

COM AT THE INTERSECTION OF THE E BNDY OF SE 1/4 AND THE NWLY ROW OF ORANGE AVE AS PER LAKE WEIR BEACH SEC (C-54) TH S 33-16-28 W 36.45 FT TO THE POB TH N 140.52 FT TH W 96.45 FT TH S 14-26-50 W 263 FT MOL TO THE WATERS EDGE OF LAKE WEIR TH SELY ALONG WATERS EDGE 73 FT MOL TH N 33-16-28 E 179 FT MOL TO THE POB &

WLY 1/2 OF THE FOLLOWING VACATED RD:

COM AT THE NWLY COR OF LOT 9 TH S 33-13-00 W 302.03 FT TO THE POB TH S 33-13-00 W 166.67 FT TH TO POINT ON ORDINARY HIGH WATER LINE OF LAKE WEIR; TH

N 47-47-46 W 60.75 FT TH N 33-13-00 E 135.43 FT TH S 76-42-29 E 63.82 FT TO THE POB & THAT PT OF LAKE ST AKA LAKE SHORE DR LYING BETWEEN A LINE BEING THE SLY EXTENTION TO THE WATERS OF LAKE WEIR OF THE ELY BNDY OF BLK 16 LAKE WEIR BEACH SEC (C-54) AND THE SLY EXTENSION OF THE W BNDY OF PINEAPPLE AVE WEIR PARK (E-45)

Parent Parcel: 49007-000-00

### Land Data - Warning: Verify Zoning

Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0030		103.0	355.0	R1	103.00	FF	2,800.0000	1.00	1.11	1.00	320,124	ACCUPATION OF THE PROPERTY OF
	borhood 8	090									Total Land -	Class \$320,124
Mkt: 1	10 70										Total Land	- Just \$320,124

### Miscellaneous Improvements

Туре	Nbr Units	Type	Life	Year In	Grade	Length	Width
190 SEPTIC 1-5 BTH	1.00	UT	99	1938	1	0.0	0.0
256 WELL 1-5 BTH	1.00	UT	99	1938	1	0.0	0.0
184 RETAIN WALL	219.00	SF	50	1980	1	0.0	0.0
114 FENCE BOARD	168.00	LF	10	2006	3	8.0	21.0
114 FENCE BOARD	272.00	LF	10	2006	4	8.0	34.0
						Total Value	

#### **Appraiser Notes**

### 2019 REVIEW W/PICTOMETRY /AERIAL 2017

Permit Number

# Planning and Building \*\* Permit Search \*\*

**Date Completed** 

Description

**Date Issued** 

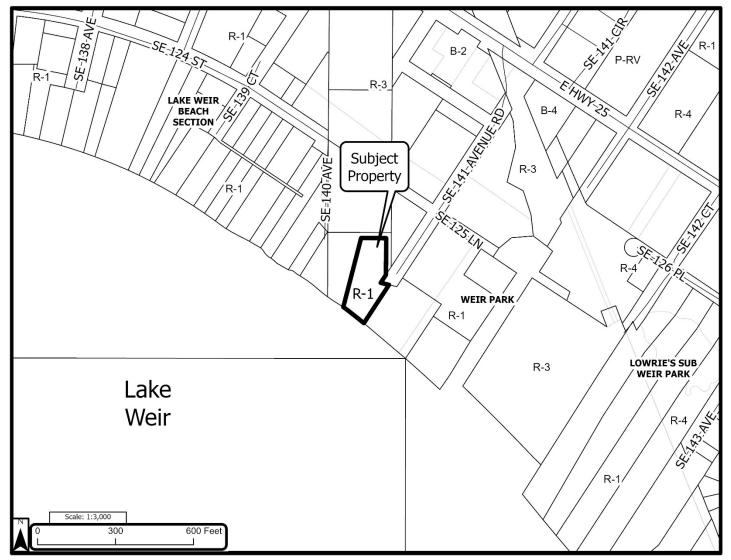
M100281		10/1/2005		10/1/2005	DEMO	
	3	Cost	Summary			
Buildings R.C.N. Total Depreciation Bldg - Just Value Misc - Just Value Land - Just Value Total Just Value	\$0 \$0 \$0 \$1,217 \$320,124 \$321,341	6/1/2004 3/12/2011 3/28/2023	Bldg Nbr	RCN	Depreciation	Depreciated



### **Public Notification for: VARIANCE**

# Marion County Growth Services Planning & Zoning (352) 438-2675

# 251002V



Public Hearing:

Board of

Adjustment

10/06/2025 @ 2:00 P.M.

**Public Hearing Location:** 

Growth Services Training Room 2710 East Silver Springs Boulevard Ocala, FL 34470

Owner(s):	Johnny Busciglio & Rebecca Rosin								
Agent(s):	Michael Alan Homes								
Property Location:	12640 SE 141 <sup>st</sup> Avenue Rd, Ocklawaha, FL 32179								
Parcel(s):	49007-001-00 <b>Acreage:</b> ± 0.84								
Zone(s):	R-1, Single-Family Dwelling								

#### Request Description:

Request a **Variance** in accordance with 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 an inground swimming pool** in a Single-Family Dwelling

(R-1) zone.

You are receiving this notification because you own property
That is located within 300' of the subject parcel(s).

If you have any questions, please call (352) 438-2675

All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided in a visual representation only and is not intended to be used as a legal or official representation of legal boundaries.



# AR 33007

Marion County **Board of County Commissioners** 

Growth Services \* Zoning

251002V

2710 E. Silver Springs Blvd. Ocala, FL 34470 Phone: 352-438-2675 Fax: 352-438-2676

7 tttaoriii ont O							
OFFICE USE ONLY							
Received By:							
Date Received: 8/12/85							
Updated							

Attachment G

### VARIANCE APPLICATION

Application #: \_

FOR COUNTY USE ONLY

49007-001-00

Parcel Account Number of Subject Property

THE UNDERSIGNED REQUESTS A VARIANCE AS REFERENCED IN SECTION 2.9 OF THE MARION COUNTY LAND DEVELOPMENT FOR THE PURPOSE OF:

Request a 40 variance. Reducing the setback from 75 to 30 for the purpose of constructing a new single family residence; inground pool; detached garage; and workshop.

Section of Code requesting variance from: 5.2.4(a)

Legal Description (Please attach a copy of deed). Total Acreage of subject property:

Directions to subject property:

From the intersection of SE/HWY/464/East Hwy 25, proceed east on East Hwy 25, turn right onto SE 141st Ave Rd, property located at the dead end on right

Please Note: Property owner must sign this application: Otherwise he/she must attach to this application

written authorization naming an agent to act in his/her behalf.

Rebecca Rosin

(Print/Signature) Property Owner

12640 SE 141st Avé RD

Address

Ocklawaha, Florida 32179

City, State, Zip Code

352-454-9445

Contact Info: Phone, cell, e-mail address

Michael Alan Homes

(Print) Applicant or Agent

2635 SE 58th Ave

Address

Ocala, Florida 34480

City, State, Zip Code

352-779-4008 info@michaelalanhomes.com

Contact Info: Phone, cell, e-mail address

THE FILING FEE IS \$ 550 NON-REFUNDABLE, WE RECOMMEND THAT THE OWNER, APPLICANT OR AGENT BE PRESENT AT THE HEARING. IF NO REPRESENTATIVE IS PRESENT AND THE BOARD REQUIRES ADDITIONAL INFORMATION, THEY MAY DECIDE TO POSTPONE OR DENY THE REQUEST. NOTICE OF SAID HEARING WILL BE MAILED TO THE ABOVE ADDRESS. ALL INFORMATION GIVEN MUST BE CORRECT AND LEGIBLE TO BE PROCESSED. PLEASE NOTE THAT A WRITTEN PETITION (REFER TO PAGE 2 & 3) MUST BE PROVIDED WITH THIS APPLICATION, ALONG WITH A SITE PLAN IN ORDER TO BE CONSIDERED COMPLETE. FOR FURTHER INFORMATION CONTACT THE MARION COUNTY GROWTH SERVICES.

"Meeting Needs by Exceeding Expectations"

#### Page 2

#### WRITTEN PETITION FOR VARIANCE

WRITE YOUR ANSWERS IN THE SPACE PROVIDED AFTER EACH STATEMENT. PLEASE COMPLETE ALL REPLIES USING A SENTENCE FORM. A VARIANCE FROM THE TERMS OF THESE REGULATIONS SHALL NOT BE GRANTED BY THE BOARD OF ADJUSTMENT UNLESS A WRITTEN PETITION FOR A VARIANCE IS SUBMITTED JUSTIFYING THE FOLLOWING:

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.

### Applicant's justification:

We are requesting a	40 variance, to make the	ie set back 30 to propos	ed inground swimming pool
from the ordinary hig	h water line as opposed	d to the 75' setback curre	entiveassessed Additionally a
uetacheo garage, an	nd a detached workshop	are to be constructed or	the property.

B. The special conditions and circumstances do not result from the actions of the applicant.

### Applicant's justification:

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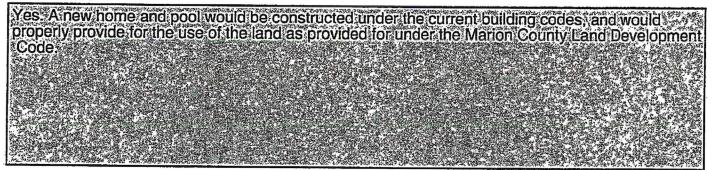
**C.** Literal interpretation of the provisions of applicable regulations would deprive the applicant of rights commonly enjoyed by other properties with the same zoning classification and land use are under the terms of said regulations and would work unnecessary and undue hardship on the applicant.

## Applicant's justification:

Homes adjacent to and within the immediate vicinity have been built on similar irregular parcels and have been granted similar requests that have allowed for the efficient and complete use of their properties. Without this variance approval, the design and installation of the proposed structures, to include the well and septic system, would be drastically impacted and full us of the property by the owner would be greatly diminished. This home, if not approved, would not confirm to the surrounding homes and like properties, potentially reducing the homes value and restricting the full use of the property by the owner.

**D.** The Variance, if granted, is the minimum Variance that will allow the reasonable use of the land, building or structure.

## Applicant's justification:



**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.

## Applicant's justification:

It is understood,	that this varia	nce. if approved	d would apply	solely to Marion (	County Parcel ID:
49007-001-00					
		rii .			

**F.** The granting of the Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

# Applicant's justification:

The variance of 30 from the 75 required setback will allow full use of the property, ample setbacks for well and septic separation, egress to the property and allowing other areas of the property to be utilized by the owner, for the construction of a detached garage and workshop. No impacts to the environment or conservation of wetlands would arise from the approval of this variance. A new home would be aesthetically pleasing and would conform to the area; existing and adjacent homes, while helping to increase property values.



Address on fence next to gate.



Looking south at lake from gate.



Looking north from gate.



Looking north from seawall.



Looking north at seawall from waters edge.



Looking west from east property line at seawall. Water to the left.



Eastside property line marker.



Looking north from seawall down westside property line.



Looking south at lake from west and southside property marker.



Looking north from seawall and eastside property line.



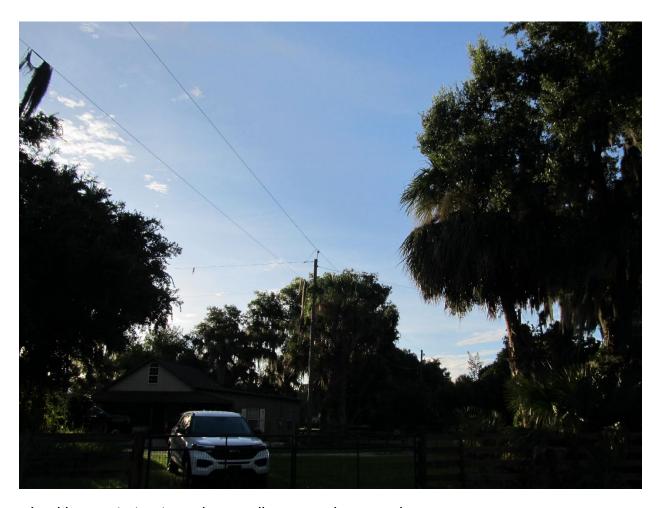
Looking north down westside property line.



Looking north down westside property line from south property marker.



Looking east at exsiting well.



Looking east at gate and power lines crossing parcel.



Looking south at lake from northeast property line.



Looking south at lake from center north property line.



Looking south down westside property line from northwest property line.



Looking southeast from northwest property line.



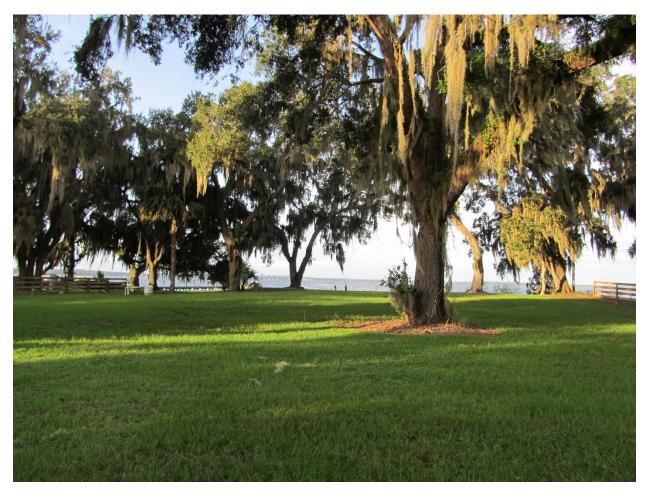
Looking southeast from center west property line.



Looking east at gate from center west property line.



Looking south at lake from center west property line.



Looking south at lake from center of property.



Looking west from center of property.



Looking north from center of property.



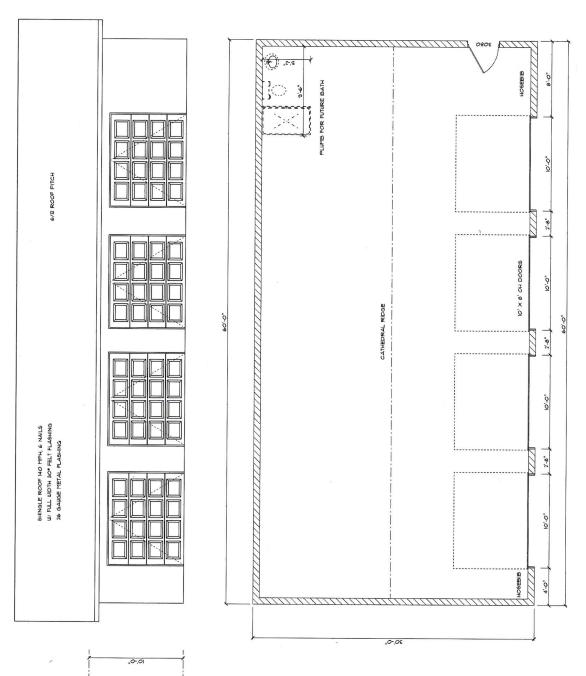
Closeup of sign posting.



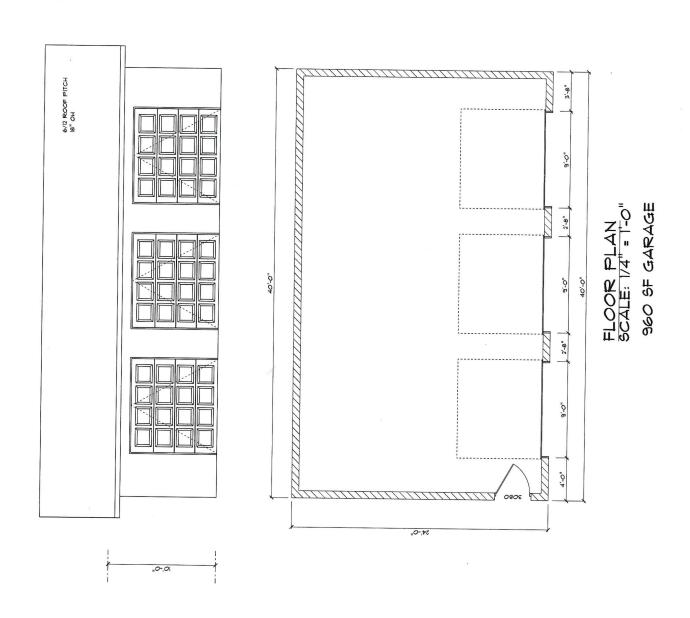
Sign posting with address and parcel number.

### Attachment I





SHOP FLOOR PLAN SCALE: 1/4" = 1'-0" 1800 SF SHOP







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.



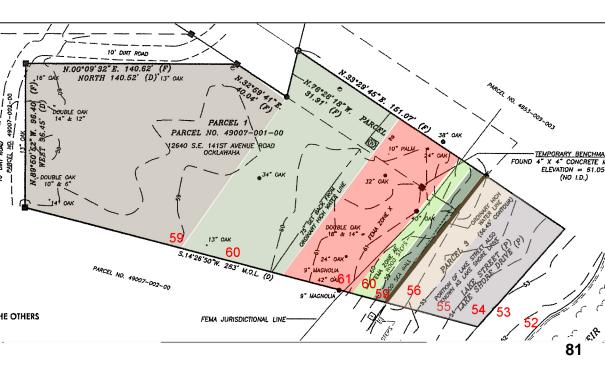


#### Image 3

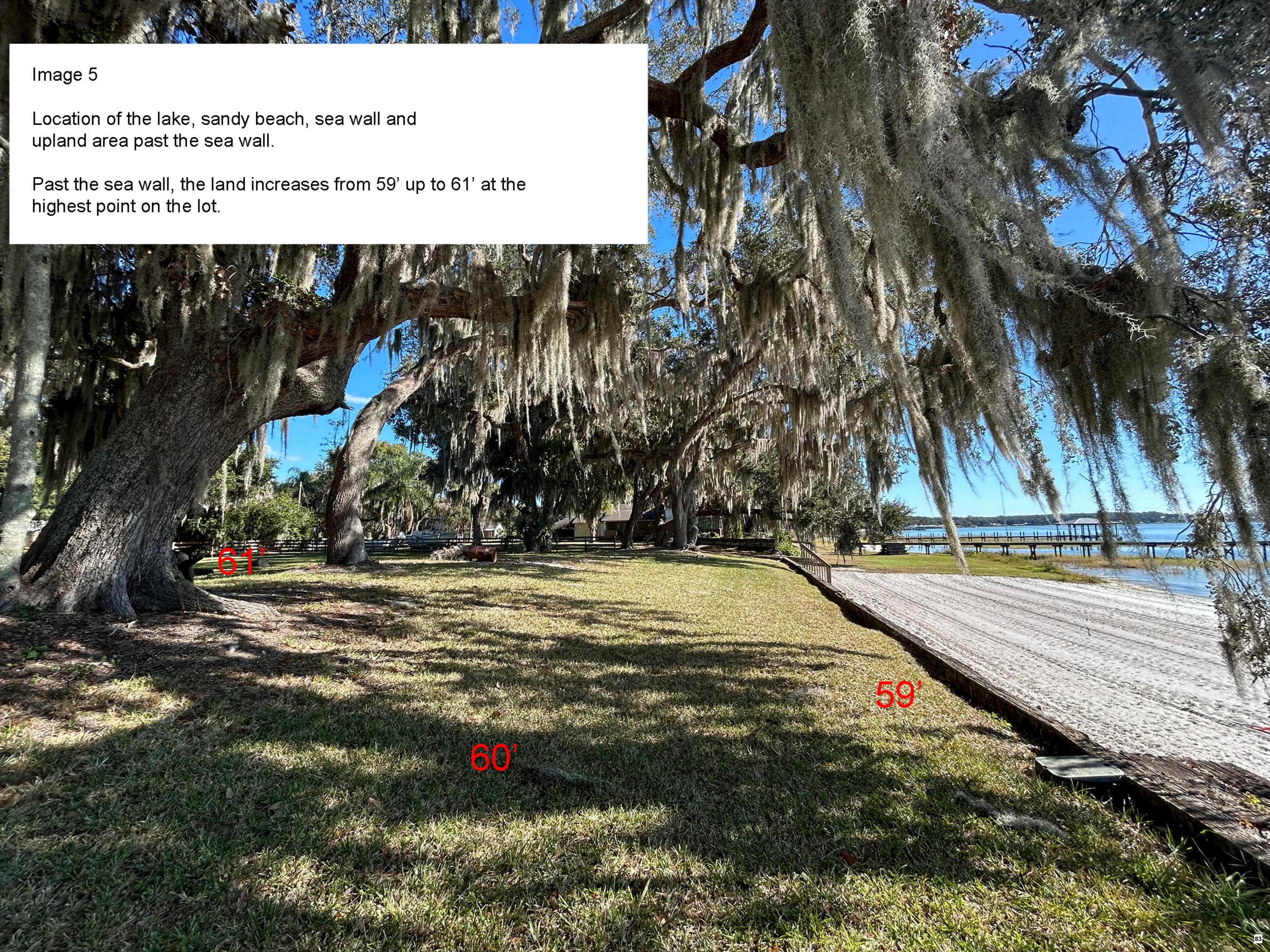
Image taken from survey completed in 2018 (submitted). Survey shows the elevation of the lot.

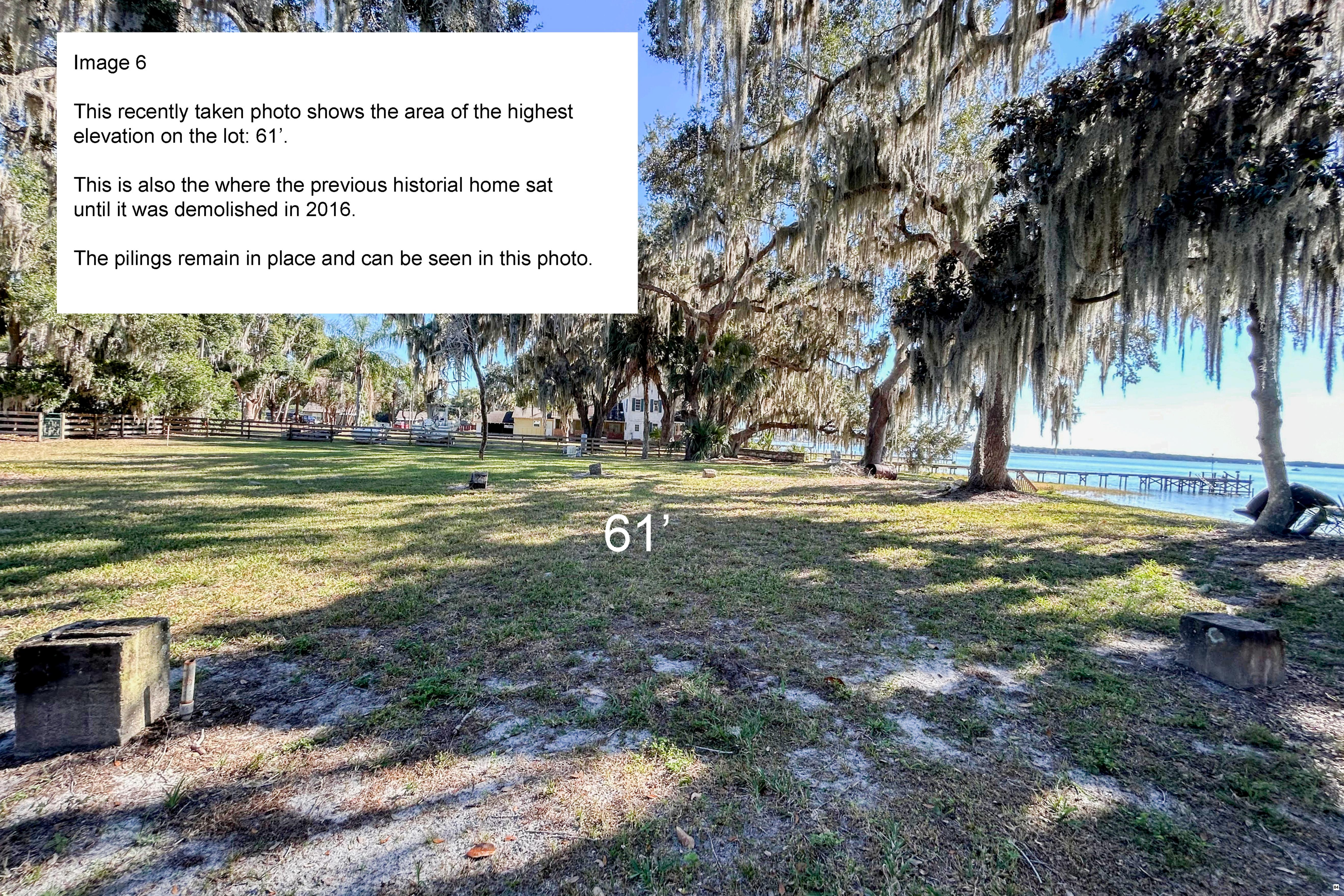
Colors/numbers added to show approx area of each elevation.

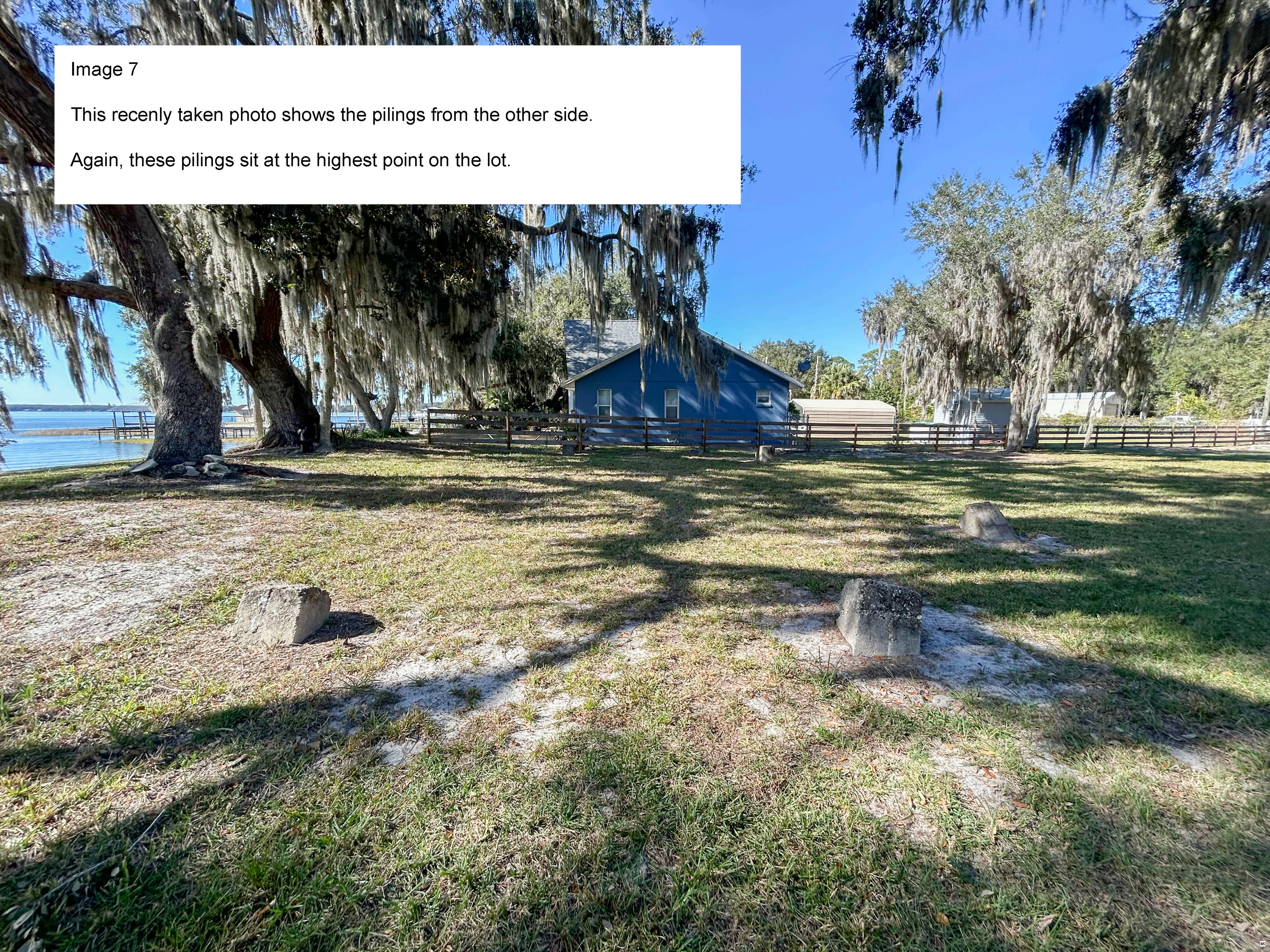
Brown line indicates location of the sea wall.















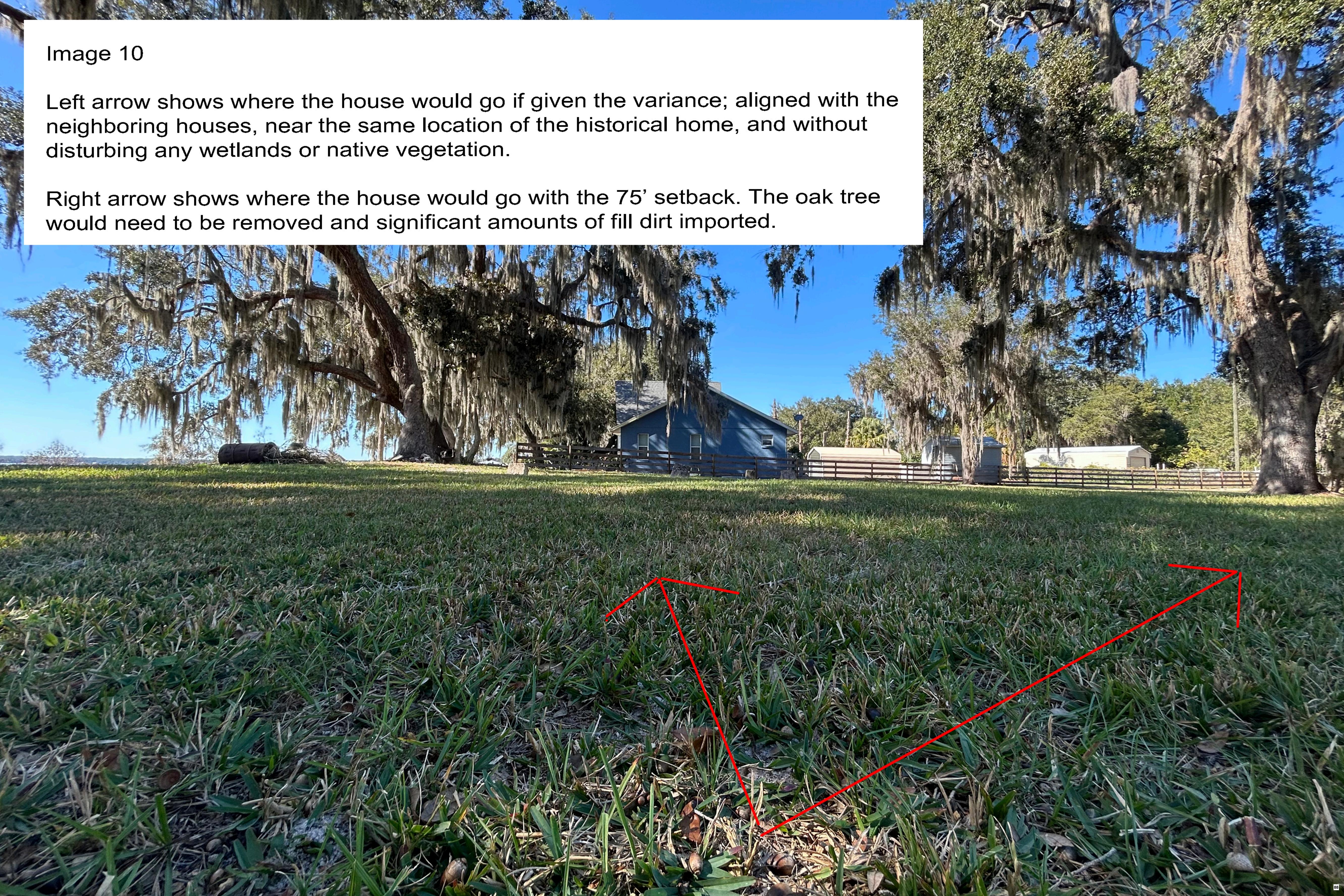


Image 11

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		7-11-11	•	4941-014-000	57.67	2-7-22	
		5-3-21	•		47	7-6-20	
· 4855-015-015		5-3-21		49167-006-00	60	5-7-07	
· 4855-010-003 47772-000-07	SECURIOR SHOW SHOW SHOW SHOW	2-6-12	•	49167-004-00	28'	5-17-24	
		6-1-09		49167-001-00	50'	10-4-04	
47772-000-03				49131-001-02	30	6-6-11	
47772-000-02	50	5-1-06		49131-001-01	58'	8-7-06	
. 47772-000-01	1	3-3-03	•	49129-021-00	70'	7-11-16	
4789-001-010	35	1-20-04		49129-019-00	20	11-4-02	
4789-001-007	25	1-20-04	e	49129-013-00	50	8-3-20	
4789-001-006	25				49	12-3-18	
4789-001-003	15-33	9-9-03		49129-010-00	50'		
4789-001-002	11	8-2-10		49129-002-00		7-6-15	
4789-001-001	27	19-1-01		4854-002-006	55	6-6-05	
4788-001-001	25	6-6-05		4854-002-001	46.25		
4788-001-006	34	12-1-03		45814-015-00	32	3-5-07	
4788-002-004	36.92	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	34'	6-7-04					
4786-012-000	29.8	4-4-11					
4786-015-000	56	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	17	9-10-18					
· 4786-026-000 · 4786-039-000							
	55	8-7-23					
4786-032-000	35.5	6-2-14					
4771-002-029	40'	7-6-09					
14771-002-031	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					
• 4785-908-006	68'	4-6-15					
4785-001-002	60.79	5-7-07					
* 4825-014-000	62.5	5-6-24					
48137-001-00	481	11-3-03					
49323-002-01	38'	10-3-11					

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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.

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



















### **Marion County**

### **Board of Adjustment**

### Agenda Item

File No.: 2025-21613 **Agenda Date: 1/5/2026** Agenda No.: 4.1.

**SUBJECT:** 

**December 1, 2025** 

#### **DESCRIPTION/BACKGROUND:**

Minutes from the previous Board of Adjustment Meeting.

### **MINUTES**

### MARION COUNTY BOARD OF ADJUSTMENT December 1, 2025

A public hearing of the Marion County Board of Adjustment was held on December 1, 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 2:02 pm. Members present, creating a quorum, were Chairman Donald Barber, Len Racioppi, Nathanael Ramos, Jackie Alsobrook, and Alternates Samuel Hunt and Zilca Diaz. Staff members present were: Assistant County Attorney Linda Blackburn, Director Chuck Varadin, Deputy Director Ken Weyruach, Zoning Technician Cristina Franco, Administrative Staff Assistant Autumn Williams, and Staff Assistant IV Kim Lamb.

Donald Barber gave the Invocation, followed by Nathanael Ramos leading 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.

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. **251201V** – JFS Holdings, LLC, request a **Variance** in accordance to Section 2.9 of the Marion County Land Development Code, to increase overall signage square footage (SF) for 2 signs, from 96SF to 277 SF for an overall increase of 181 SF, in a Regional Business (B-4) zone, on Parcel Account Number 37491-003-02, Site Address 115 Bahia Avenue Place, Ocala, FL 34472

Cristina Franco presented the case and read the report into the record, stating this request is for an increase in overall square footage for 2 signs.

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

Shaw Lee, 18038 NW 246<sup>th</sup> Street, High Springs, FL 32643, agent representing JFS Holdings, LLC, addressed the board. Mr. Lee showed where the placements of the proposed signs would be and explained the challenges related to both the location and size of the signs, emphasizing the hardship these limitations pose.

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.

Jackie Alsobrook made a motion to second.

Motion to Approve - Passed 6 to o.

#### Other Business:

2026 BOA Hearing Dates were moved for Approval upon a motion by Nathanael Ramos, with a second by Jackie Alsobrook.

Motion for Approval - Passed 6 to o.

#### **MINUTES**:

The **November 3**, **2025**, Board of Adjustment Minutes were moved for Approval upon a motion by Samuel Hunt, with a second by Len Racioppi.

Motion for Approval - Passed 6 to o.

**ADJOURNED:** The meeting adjourned at 2:33 PM.

		Donald M. Barber, Chairman
Attest:		
Kim Lamb	, Staff Assistant IV	<u> </u>

### **Board of Adjustment Attendance Report**

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

X - Present

- N/A