Marion County
Board of Adjustment
Meeting Agenda

Monday, November 3, 2025 **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. 251101V - Kelly Roller & JoAnn Crinnion Roller, Request a Variance to Reduce the (Front) Setback From 25' to 14.5' for an Existing Permitted Carport, in a Single-Family Dwelling (R-1) Zone, Parcel Account Number 3578-023-024, Site Address 10247 SW 41st Avenue, Ocala, FL 34476

2.2. 251002V - Johnny Busciglio & Rebecca Rosin, Request a Variance 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. October 6, 2025

Adjourn

Marion County

Board of Adjustment

Agenda Item

File No.: 2025-20991 **Agenda Date:** 11/3/2025 **Agenda No.:** 2.1.

SUBJECT:
251101V - Kelly Roller & JoAnn Crinnion Roller, Request a Variance to Reduce the (Front) Setback From 25' to 14.5' for an Existing Permitted Carport, in a Single-Family Dwelling (R-1) Zone, Parcel Account Number 3578-023-024, Site Address 10247 SW 41st Avenue, Ocala, FL 34476

DESCRIPTION/BACKGROUND:
This is a variance request filed by the applicant, Kelly Roller, 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 a front setback reduction from the required 25' to 14.5' for an existing attached carport. The carport was built and permitted (permit number 20150314860) in 2015. Attached carports must meet the 25' front setback required for R-1 zoning.

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
November 3rd , 2025
BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	251101V
CDP-AR	33192
Type of Case	**Variance** to reduce front setback from 25' to 14.5 for an existing permitted carport in a Single-Family Dwelling (r-1) zone.
Owner	Kelly and JoAnn Roller
Applicant	Kelly Roller
Street Address	10247 SW 41st Ave, Ocala
Parcel Number	3578-023-024
Property Size	.45 acres
Future Land Use	Medium Density Residential
Zoning Classification	Single Family Dwelling (R-1)
Overlay Zone/Scenic Area	Secondary Springs Protection Overlay Zone (SPOZ), Urban Growth Boundary
Project Planner	Cristina Franco, Zoning Technician I
Related Case(s)	Open Code Case 989238- Accessory structure does not meet front setbacks.

I. ITEM SUMMARY

This is a variance request filed by the applicant Kelly Roller 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 a front setback reduction from the required 25' to 14.5' for an existing attached carport. The carport was built and permitted (permit number 20150314860) in 2015. Attached carports must meet the 25' front setback required for R-1 zoning.

FIGURE 1
GENERAL LOCATION MAP

II. PUBLIC NOTICE

Notice of public hearing was mailed to (28) property owners within 300 feet of the subject property on October 17, 2025. A public notice sign was posted on the subject property on October 8, 2025 (Figure 2) and the notice of the public hearing was published in the Star-Banner on October 20, 2025. Evidence of the public notice requirements is on file with the Department and is incorporated herein by reference.

III. PROPERTY CHARACTERISTICS

The subject .45-acre lot is located within the recorded subdivision, Ocala Waterway Estates. The property has a Medium Residential 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, minimum 25' rear setback, and minimum 8' sides setback.

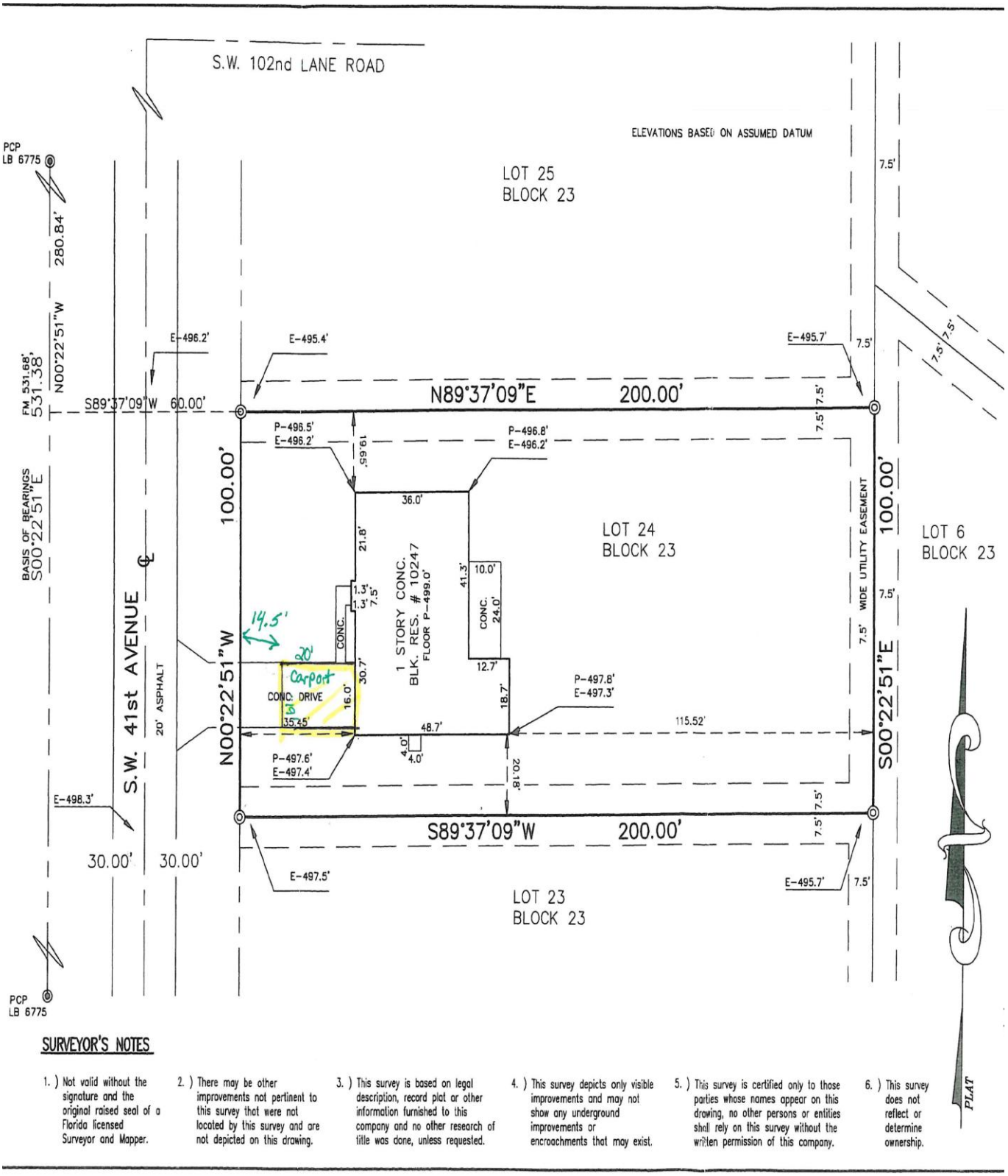
The .45-acre subject property is displayed as Lot 24, Block 23, Plat Book K Page 052 in Ocala Waterway Estates. The property has 200' depth with 100' width.

Figure 2
Roller 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 14.5 for an existing 19'x20' attached carport. Consistent with LDC Section 2.9.3.B., on October 8th, 2025, a site visit was conducted by Growth Services Department staff, and measurements and photographs were taken.

Figure 4
Site Plan



SURVEYOR'S NOTES

1.) Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
2.) There may be other improvements not pertinent to this survey that were not located by this survey and are not depicted on this drawing.
3.) This survey is based on legal description, record plat or other information furnished to this company and no other research of title was done, unless requested.
4.) This survey depicts only visible improvements and may not show any underground improvements or encroachments that may exist.
5.) This survey is certified only to those parties whose names appear on this drawing, no other persons or entities shall rely on this survey without the written permission of this company.
6.) This survey does not reflect or determine ownership.

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 states they are requesting a reduction to the front 25' setback to 14.5' for an existing 19' x 20' attached carport. Carport was permitted in 2015 permit number 2015031486.

   Staff inspected the property to measure the front setback request and concur with the above 14.5' setback request of the applicant. The site plan provided with the original Building permit 2015031486 which was approved by zoning on 05/08/15 with a setback of 20'.

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

   Analysis: The applicant states the carport has been there since 2015. Inspection was done by Ronald Forte and approved. Since the violation was not our fault, we feel we shouldn't have to pay the variance.

   Staff find that permit was pulled and approved by the zoning department in 2015. The contractor Sauer and Sons provided a site plan with incorrect setback information.

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 granting of the variance wouldn't change anything. The carport hasn't been a hazard and is not in anyone's way. The carport protects our vehicle paint job and is very helpful when it is raining outside when unloading groceries to the house.

   Staff finds that if contractor had put the correct setbacks at the time of the permitting submittal zoning would have denied the permit for not meeting the setback minimums.

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

   Analysis: Applicant states that if variance is granted the carport will stay the same and cause no problems like it has been for the past 10 years.

   Staff confirms the applicants' request is the minimum variance to allow reasonable use of the land for the detached carport in this location.

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: Applicant states this is true.

   Staff find that granting any variance is a privilege, but this carport has been permitted for 10 years.

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

   Analysis: Applicant states this is true.

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

V. LIST OF ATTACHMENTS

A. Application
B. Site Plan
C. Marion County Property Appraiser Property Record Card
D. Warranty Deed
E. Original site plan for permit 2015031486
F. Notice of violation for code case 989238

Marion County
Board of County Commissioners
Growth Services
2710 E. Silver Springs Blvd. Ocala, FL 34470
Phone: 352-438-2675 Fax: 352-438-2676

OFFICE USE ONLY
Received By: Jaime
Date Received: 8/8/25

VARIANCE APPLICATION

Application #: 33192
FOR COUNTY USE ONLY
project 2025080028

3578-023-024
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:

Requesting a reduction from the front set back. Front 25ft. to 14.5 ft. for existing carport. permit # 2015031486

Section of Code requesting variance from: article 4 division 2, Zoning Classification Section 4.2.9

Legal Description (**Please attach a copy of deed**). Total Acreage of subject property: .49 +/- acres

Directions to subject property:

Go west on State Rd. 200 to 60th Ave turn left thango to 95 Ave turn left proceed to 49 Ave turn right proceed to 102 Lane Rd. make a right on 41st. Ave.. address is 10247 SW 41st Ave on left.

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.

Kelly Roller
(Print/Signature) Property Owner

10247 SW 41st Ave
Address

Ocala FL. 34476
City, State, Zip Code

352-779-0048 or 352-877-0970
Contact Info: Phone, cell, e-mail address
KBRoller1945@gmail.com.

LoAnn Crimmins Roller
(Print) Applicant ~~or Agent~~

LoAnn Crimmins Roller

Address

City, State, Zip Code

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.

BOA 11/3/2025 Code case 989238, Martinez

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 from the front set back. Front 25ft. to 14.5ft for existing carport.
Attached carport is 31 ft long permit # 20150314 86

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

Applicant's justification:

Attached is a picture of our property. Our carport has been there since 2015. Inspection was done by Ronald Forte and approved. Since the violation was not our fault. We feel we shouldn't have to pay for variance fee.

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 the variance wouldn't change anything. The Carport hasn't been a hazard and it is not in anybodys way. The Carport protects our vehicle paint job and is very helpful when it is raining outside when unloading grocery to the house

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

Applicant's justification:

If granted the carport will stay the same and cause no problems like the pass 10 years.

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.

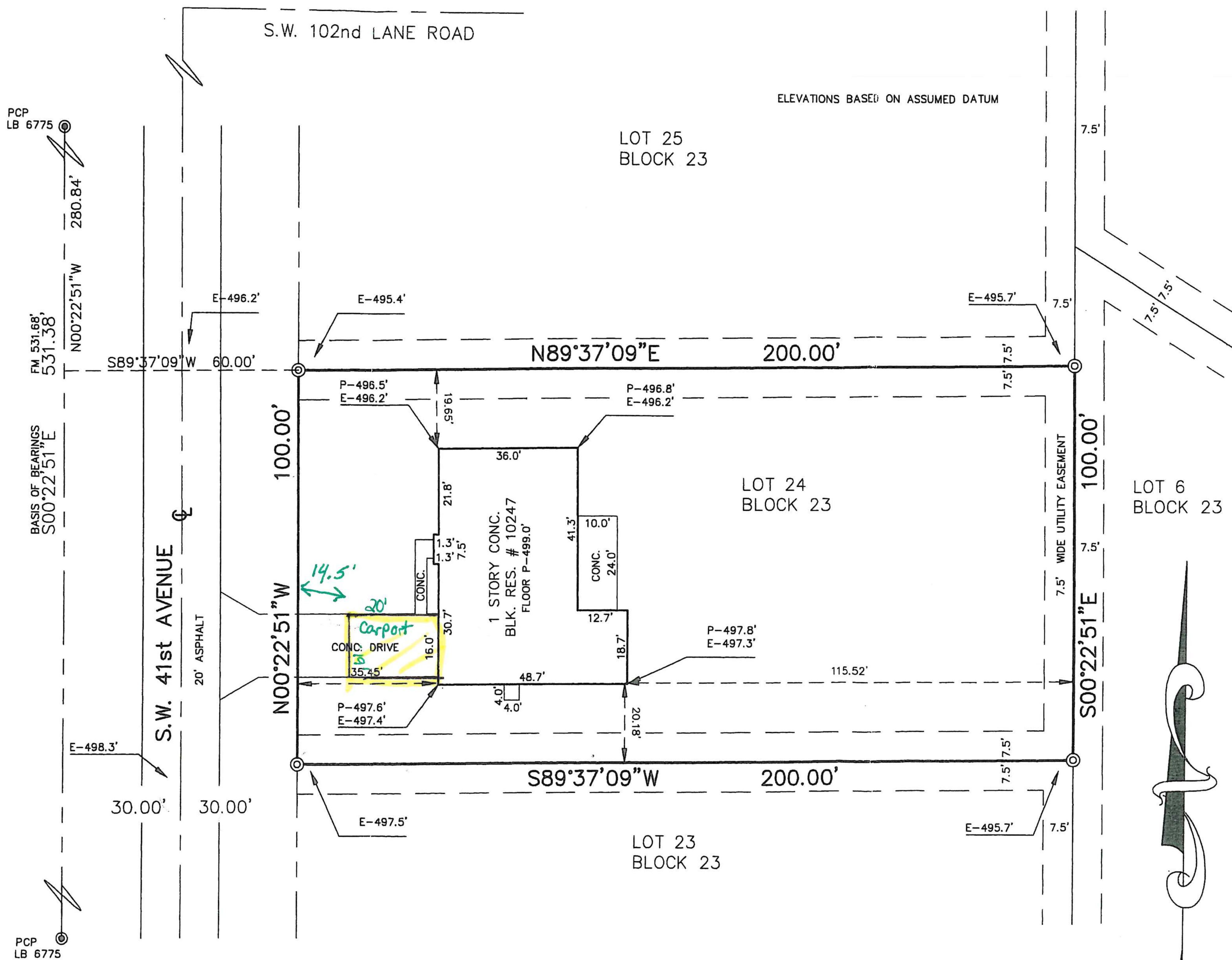
Applicant's justification:

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



MAP OF SURVEY

CERTIFIED TO

VERA SANDIFORD

LEGAL DESCRIPTION: (AS FURNISHED)

LOT 24, BLOCK 23, OCALA WATERWAY ESTATES, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "K", PAGES 52 THROUGH 52K OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

FLOOD STATEMENT:

THE ABOVE DESCRIBED APPEARS TO BE IN A ZONE ☒ "C" (A NOT FLOOD PRONE AREA) ZONE ☐ "A" (A FLOOD PRONE AREA), AS SCALED ON THE FLOOD MAPS FURNISHED BY ☒ THE FEDERAL EMERGENCY MANAGEMENT AGENCY ☐ THE FEDERAL INSURANCE ADMINISTRATION;

COMMUNITY PANEL No. 120160 0675 B

EFFECTIVE DATE: JANUARY 19, 1983

FURTHER CERTIFIED TO:

INDYMAC BANK
ASSOCIATED LAND TITLE INSURANCE OF OCALA, INC.
ADNORAM TITLE COMPANY, LL.C
CHICAGO TITLE INSURANCE COMPANY

LEGEND:

■	FOUND CONCRETE MONUMENT	PRM	PERMANENT REFERENCE MONUMENT
☐	SET CONCRETE MONUMENT	POB	POINT OF BEGINNING
◉	FOUND REBAR AND CAP	POC	POINT OF COMMENCEMENT
◎	SET REBAR AND CAP	PRO	PROPOSED
•	FOUND NAIL AND TAB	RGE	RANGE
○	SET NAIL AND TAB	RES	RESIDENCE
	POLE	R/W	RIGHT OF WAY
	WATER METER	SEC	SECTION
	UTILITY BOX	ST	SEPTIC TANK
PC	POINT OF CURVATURE	TWP	TOWNSHIP
PT	POINT OF TANGENCY	TYP	TYPICAL
—— X ——	WIRE FENCE	U/C	UNDER CONSTRUCTION
ASPH	ASPHALT	UE	UTILITY EASEMENT
BLK	BLOCK	₵	CENTERLINE
BDY	BOUNDARY		GUY WIRE OR ANCHOR
CONC	CONCRETE	DRA	DRAINAGE RETENTION AREA
EL	ELEVATION	E	ELECTRIC BOX
FM	FIELD MEASURED	WPF	WOOD PRIVACY FENCE
PCP	PERMANENT CONTROL POINT	OHL	OVERHEAD LINES
P-	PROPOSED ELEVATION	E-	EXISTING ELEVATION

THIS SURVEY DEPICTS THE PROPERTY AS IT EXISTED ON THE SURVEY DATE, NOT NECESSARILY THE SIGNATURE DATE

03/25/04
Signature Date

CARLOS SILVESTRE JR.
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA No. LS 4265

JOB #	03-317
F.B. 190 PAGE 46	SCALE: 1"=30'
DRAWN CEB	APPROVED: CS
SURVEY DATE:	07/07/03

REVISIONS	DATE	BY
FINAL SURVEY	02/06/04	CS

TYPE OF SURVEY

☒ BOUNDARY SURVEY ☐ TOPOGRAPHIC SURVEY ☐ SPECIFIC PURPOSE SURVEY

SILVESTRE & ASSOCIATES, INC
PROFESSIONAL LAND SURVEYORS
CERTIFICATE OF AUTHORIZATION No. LB 6506
177 ALMOND ROAD
OCALA, FLORIDA 34472
352-694-5233 694-7110 FAX 694-2288

SURVEYOR'S NOTES

1.) Not valid without the signature and the original raised seal of a Florida licensed Surveyor and Mapper.
2.) There may be other improvements not pertinent to this survey that were not located by this survey and are not depicted on this drawing.
3.) This survey is based on legal description, record plat or other information furnished to this company and no other research of title was done, unless requested.
4.) This survey depicts only visible improvements and may not show any underground improvements or encroachments that may exist.
5.) This survey is certified only to those parties whose names appear on this drawing, no other persons or entities shall rely on this survey without the written permission of this company.
6.) This survey does not reflect or determine ownership.

Jimmy H. Cowan, Jr., CFA

Marion County Property Appraiser

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

2025 Property Record Card

3578-023-024

GOOGLE Street View

Prime Key: 3308247

MAP IT+

Current as of 8/8/2025

Property Information

ROLLER KELLY
CRINNION JOANN
10247 SW 41ST AVE
OCALA FL 34476-4180

Taxes / Assessments:
Map ID: 150
Millage: 9002 - UNINCORPORATED

M.S.T.U.
PC: 01
Acres: .45

Situs: 10247 SW 41ST AVE OCALA

2024 Certified Value

Land Just Value	$42,500		
Buildings	$224,204		
Miscellaneous	$8,795		
Total Just Value	$275,499	Impact	
Total Assessed Value	$139,301	Ex Codes: 01 38	($136,198)
Exemptions	($50,000)		
Total Taxable	$89,301		
School Taxable	$114,301		

History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2024	$42,500	$224,204	$8,795	$275,499	$139,301	$50,000	$89,301
2023	$42,500	$215,727	$9,167	$267,394	$135,244	$50,000	$85,244
2022	$28,700	$214,964	$10,430	$254,094	$131,305	$50,000	$81,305

Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
3786/0377	07/2004	07 WARRANTY	9 UNVERIFIED	Q	I	$137,000
3693/1635	04/2004	06 SPECIAL WARRANTY	2 V-SALES VERIFICATION	Q	I	$124,900

Property Description

SEC 27 TWP 16 RGE 21
PLAT BOOK K PAGE 052
OCALA WATERWAY ESTATES
BLK 23 LOT 24

Parent Parcel: 3578-023-023

Land Data - Warning: Verify Zoning

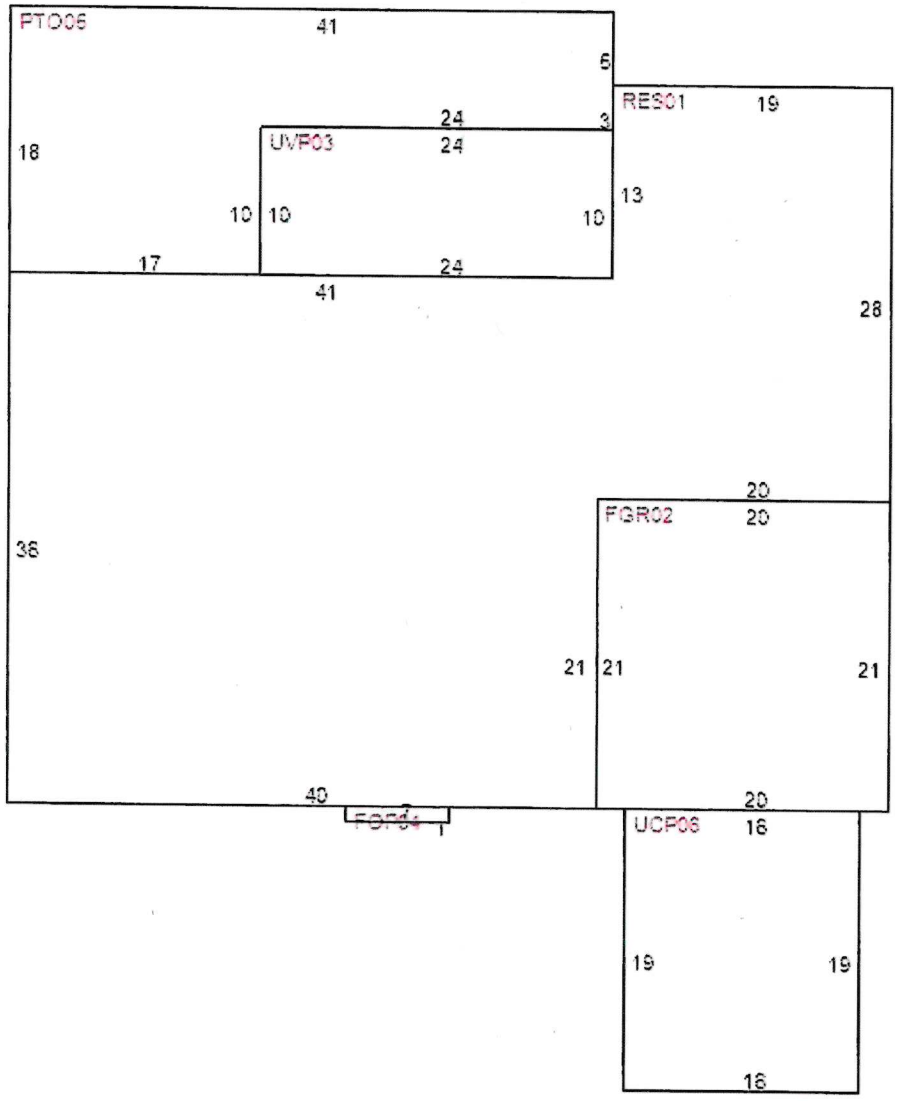
Use	CUse	Front	Depth	Zoning	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
0100		100.0	200.0	R1	1.00	LT						

Neighborhood 8048
Mkt: 9 70

Traverse

Building 1 of 1

RES01=U28L19D13L41D36R40U21R20.
FGR02=D21L20U21R20.U25L19
UVP03=L24D10R24U10.L11D46
FOP04=D1L7U1R7.R30U49L19
PTO05=U5L41D18R17U10R24U3.R17D49
UCP06=D19L16U19R16.



Building Characteristics

Improvement	1F - SFR- 01 FAMILY RESID	**Year Built**	2004
Effective Age	3 - 10-14 YRS	**Physical Deterioration**	0%
Condition	3	**Obsolescence: Functional**	0%
Quality Grade	600 - AVERAGE	**Obsolescence: Locational**	0%
Inspected on	2/6/2023 by 216		

Architecture 0 - STANDARD SFR
Base Perimeter 218

Type ID	Exterior Walls	Stories	Year Built	Finished	Attic	Bsmt Area	Bsmt Finish	Ground Floor Area	Total Flr Area
RES 0132	CONC BLK-STUCO	1.00	2004	N	0 %	0 %		1,987	1,987
FGR 0232	CONC BLK-STUCO	1.00	2004	N	0 %	0 %		420	420
UVP 0318	PREFINISHED MTL	1.00	2004	N	0 %	0 %		240	240
FOP 0401	NO EXTERIOR	1.00	2004	N	0 %	0 %		7	7
PTO 0501	NO EXTERIOR	1.00	2010	N	0 %	0 %		498	498
UCP 0601	NO EXTERIOR	1.00	2015	N	0 %	0 %		304	304

Section: 1

Roof Style: 12 HIP
Roof Cover: 08 FBRGLASS SHNGL
Heat Meth 1: 20 HEAT PUMP
Heat Meth 2: 00
Foundation: 6 MONOLITC SLAB
A/C: Y

Floor Finish: 37 LAMINATE
Wall Finish: 16 DRYWALL-PAINT
Heat Fuel 1: 10 ELECTRIC
Heat Fuel 2: 00
Fireplaces: 0

Bedrooms: 3
4 Fixture Baths: 1
3 Fixture Baths: 1
2 Fixture Baths: 0
Extra Fixtures: 3

Blt-In Kitchen: Y
Dishwasher: Y
Garbage Disposal: Y
Garbage Compactor: N
Intercom: N
Vacuum: N

Miscellaneous Improvements

Type	Nbr Units	Type	Life	Year In	Grade	Length	Width
159 PAV CONCRETE	963.00	SF	20	2004	3	0.0	0.0
190 SEPTIC 1-5 BTH	1.00	UT	99	2004	2	0.0	0.0
159 PAV CONCRETE	800.00	SF	20	2010	3	0.0	0.0
116 FENCE VINYL	114.00	LF	99	2005	4	0.0	0.0
105 FENCE CHAIN LK	70.00	LF	20	2005	2	0.0	0.0
UDU UTILITY-UNFINS	360.00	SF	40	2021	1	30.0	12.0
UDU UTILITY-UNFINS	176.00	SF	40	2017	1	16.0	11.0
SLR SOLAR PANEL	27.00	UT	15	2022	5	0.0	0.0

Appraiser Notes

MODEL=AUSTIN
EST INTERIOR AND FGR

Planning and Building

** Permit Search **

Permit Number	Date Issued	Date Completed	Description
2022083396	8/1/2022	11/23/2022	INSTALLING PV SOLAR PANELS ON EXISTING SFR ROOF WITH A MAIN
2021063581	6/1/2021	8/11/2021	HANDIHOUSE METAL SHED 12X30 36; DOOR ROLL-UP DOOR 7X6
2021020940	2/9/2021	8/31/2021	REMOVE AND REPLACE SHINGLES ON A SHED. FL#5444.1 FL#11288
2021020498	2/5/2021	3/24/2021	REMOVE AND REPLACE SHINGLES ON AN SFR. FL#5444.1 FL#11288
2015031486	3/1/2015	5/15/2015	CARPORT ON EX CONCRETE
M090835	9/1/2003	2/1/2004	SFR

Prepared by:
Betty Palmer
Associated Land Title Insurance of Ocala
954 E. Silver Springs Blvd., Suite 200
Ocala, Florida 34470

File Number: 04-G232

Rec 10.00
Doc 959.00
469.00

RECORD & RETURN TO

DAVID R. ELLSPERMANN, CLERK OF COURT MARION COUNTY
DATE: 07/30/2004 10:26:13 AM
FILE #: 2004110555 OR BK 03786 PG 0377
RECORDING FEES 10.00
DEED DOC TAX 959.00

General Warranty Deed

Made this July 27, 2004 A.D. By **Vera J. Sandiford,** An Unmarried Womanwhose address is: , hereinafter called the grantor, to Kelly **Roller and JoAnn Crinnion as Joint Tenants With Right of Survivorship,** whose post office address is:
10259 10247 SW 41st Ave Ocala, FL 34476 , hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Marion County, Florida, viz:

Lot 24, Block 23, Ocala Waterway Estates, according to the plat thereof , as recorded in Plat Book K, Pages 52 and 52A through 52K, of the Public Records of Marion County, Florida.

Parcel ID Number: **3578-023-023**

Subject to covenants, conditions, restrictions of record and taxes for the current year.

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 said grantee that the 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; that the grantor hereby fully 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 accruing subsequent to December 31, 2003.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name HELENA P. NAIRUS

Witness Printed Name Betty Palmer

Vera J. Sandiford (Seal)
Address: 8306 SW 56Ave Rd.
Ocala FL 34476

(Seal)
Address:

State of Florida
County of Marion

The foregoing instrument was acknowledged before me this 27th day of July, 2004, by Vera J. Sandiford, who is/are personally known to me or who has produced Drivers license as identification.

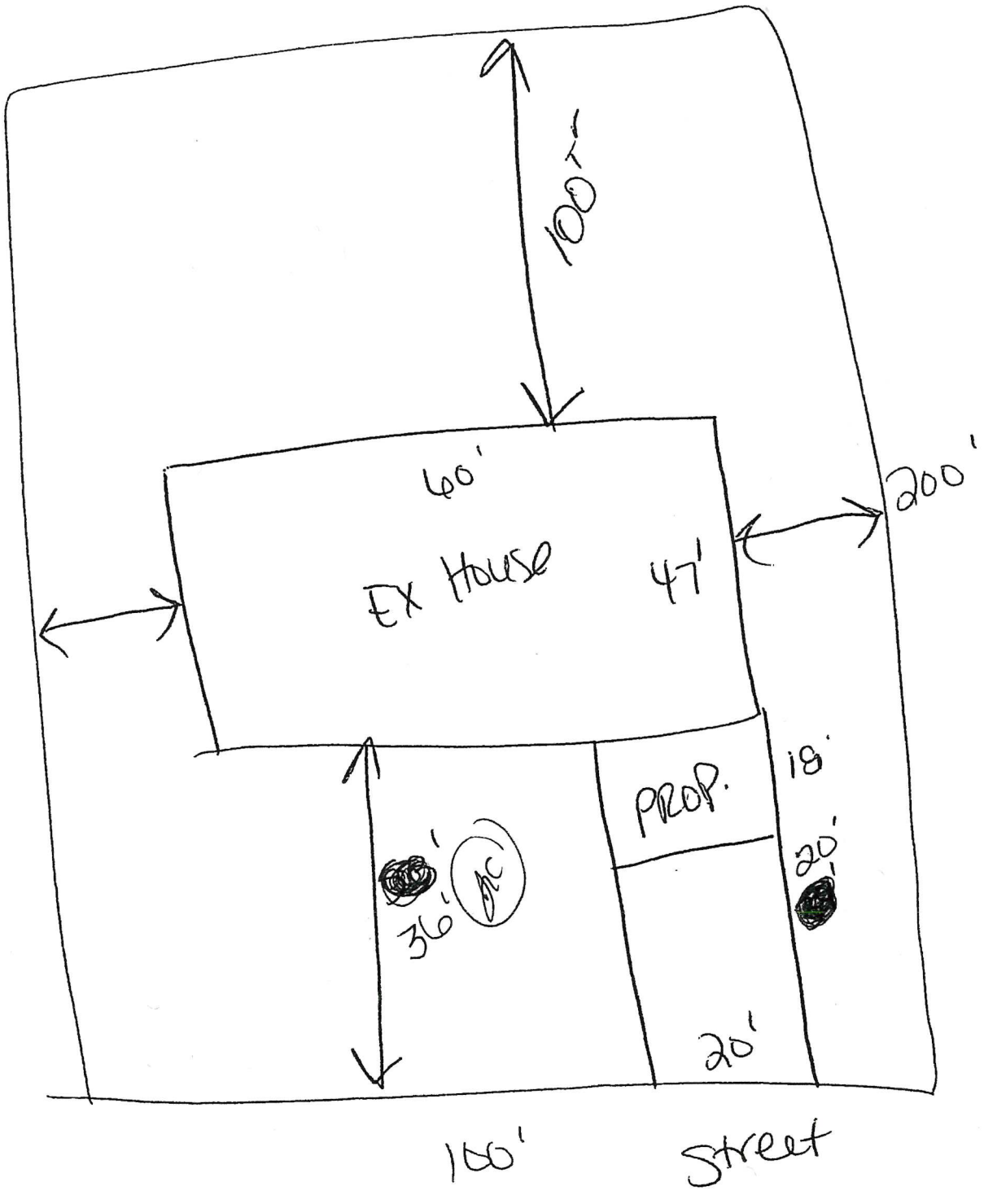
Notary Public Betty Ruth Palmer
Print Name:
My Commission Expires:

BETTY RUTH PALMER
MY COMMISSION # DD 145148
EXPIRES: August 26, 2006
1-800-3-NOTARY FL Notary Service & Bonding, Inc

DEED Individual Warranty Deed - Legal on Face
Closers' Choice

CLERK OF COURT AND COMPTROLLER MARION COUNTY, FLORIDA

Certified A True Copy
of 1 page document
this 10 day of July 2025
GREGORY C. HARRELL
Clerk of Court and Comptroller
By D.C.


100'
60'
EX House
47'
200'
PROP.
18'
20'
1'
36'
PC
20'
100'
Street

Copy

Marion County
Board of County Commissioners
Growth Services ▪ Code Enforcement
2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-671-8900
Fax: 352-671-8903

Case No.: 989238-CM

July 09, 2025

KELLY ROLLER & JOANN CRINNION
10247 SW 41ST AVE
OCALA, FL 34476-4180

PARCEL #: 3578-023-024

NOTICE OF VIOLATION

On July 8, 2025, at 11:15 a.m., an inspection was made of your property located at 10247 SW 41ST AVE OCALA, in Marion County. This inspection revealed a violation of **the Marion County Land Development Code, Article 4.** Specifically noted: CARPORT DOES NOT MEET ZONING SETBACK REQUIREMENTS

➢ **Marion County Land Development Code, Article 4, Division 2, Zoning Classifications, Section 4.2.9 (e) Residential Zoning Classifications, by having accessory structure(s) that do(es) not meet setback requirements.** Please contact Cindy Garr in Planning and Zoning 352-438-2675 for details.

This property will be re-inspected after **July 14, 2025,** and hopefully, this matter will be cleared at that time. Please contact me to discuss the matter and/or to request a re-inspection. Failure to clear a violation **will** result in the issuance of a citation or a notice to appear before the Marion County Code Enforcement Board, which could result in a lien against any real or personal property owned by you. In the event a fine is levied against you by the Code Enforcement Board, a collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.

Respectfully,

C. Martinez

Code Enforcement Officer
352-671-8914
Catherine. Martinez@MarionFL.org

Marion County

Board of Adjustment

Agenda Item

File No.: 2025-20992 **Agenda Date:** 11/3/2025 **Agenda No.:** 2.2.

SUBJECT:
251002V - Johnny Busciglio & Rebecca Rosin, Request a Variance 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

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
March 4, 2024
BOARD OF ADJUSTMENT PUBLIC HEARING

Case Number	251002v
CDP-AR	33007
Type of Case	Variance to allow for a reduced Environmentally Sensitive Overlay Zone (ESOZ) waterfront setback from 75' to 30' for the Construction of an SFR, inground pool.
Owner	Rebecca Rosin and Johnny Busciglio
Applicant	Michael Alan Homes
Street Address	12640 SE 141st Avenue Road, Ocklawaha, FL
Parcel Number	49007-001-00
Property Size	±.084 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.

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 4.2.9A provides the intent of the Single-Family Dwelling (R-1) Zoning Classification, intended to provide areas for medium-density residential development.

The .84-acre subject property consists of a Lot within the Weir Park subdivision. 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

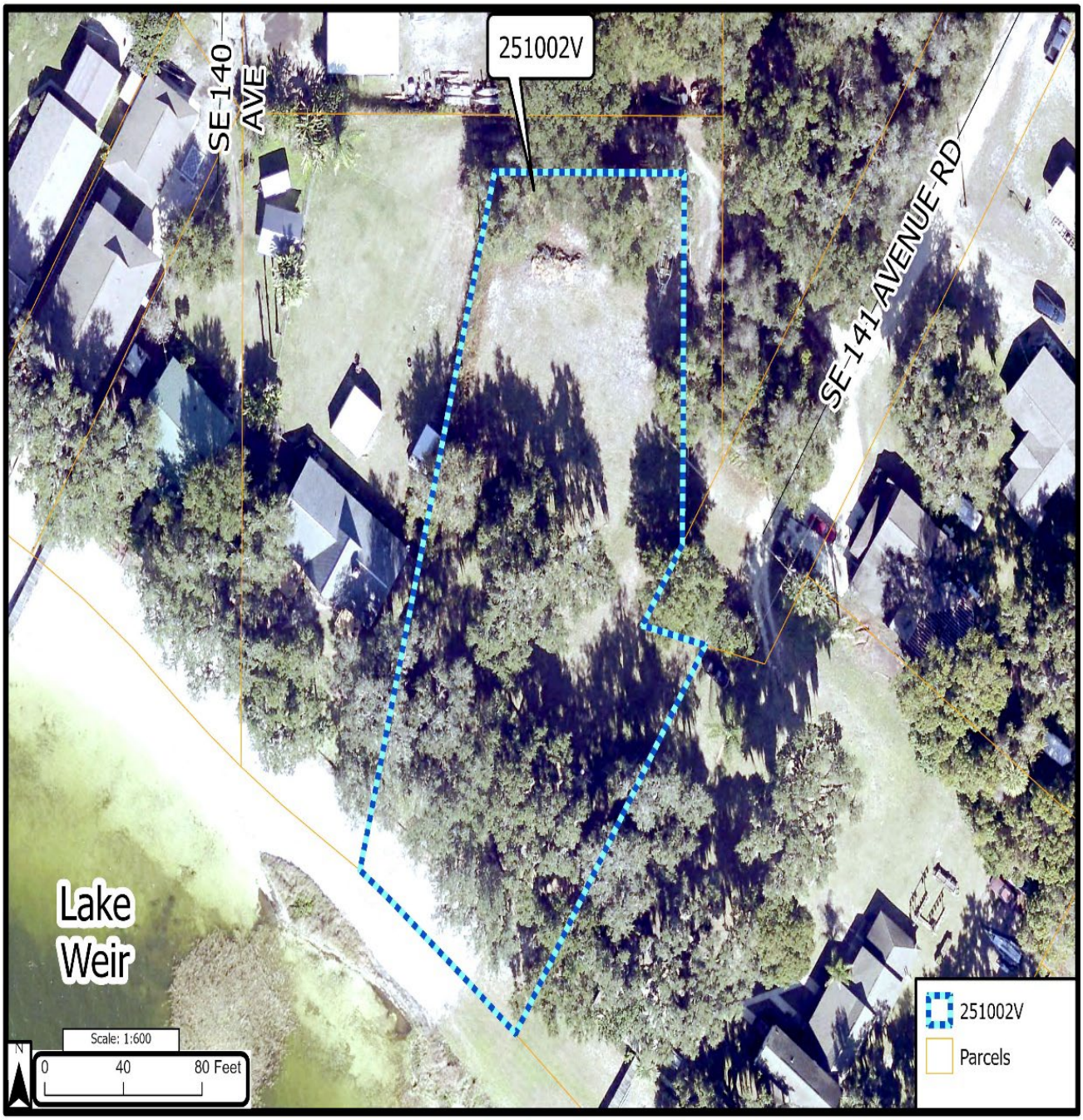
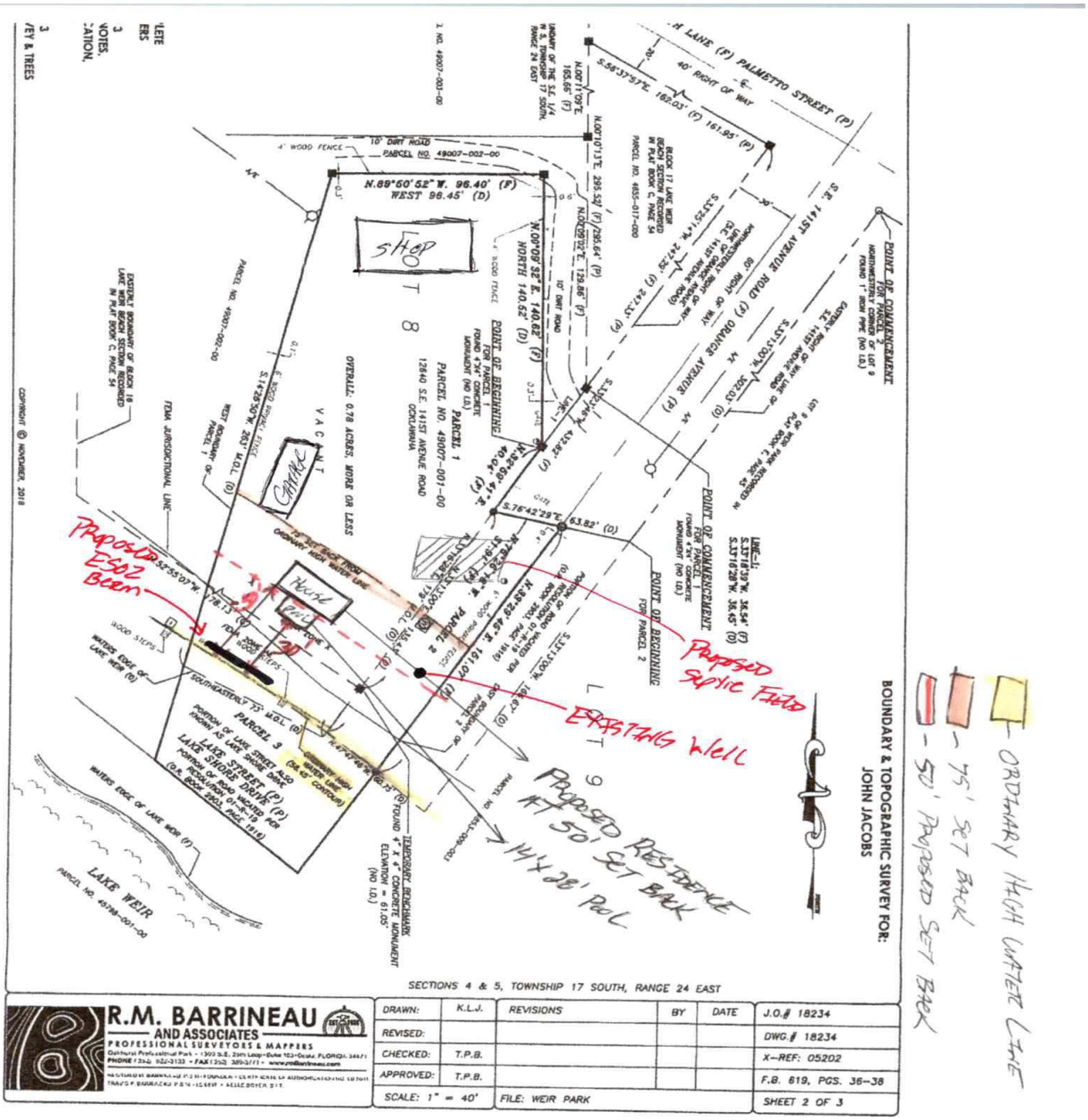


Figure 3
Owners sketch (Site Plan)



IV. REQUEST STATEMENT

The applicant requests a variance for the reduction of the waterfront ESOZ setback from 75' to 30' for an SFR and inground pool.

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 high-water 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. 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: The requested variance has been similarly requested in 1996 and 2011. Variance 960201V was granted for a 25' ESOZ setback reduction to 50', also 110706V for a 20' ESOZ reduction to 55'.

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 will not confer the applicant a special privilege because the other surrounding lots also have homes with accessory structures located within the same area, and many of them were granted some sort of reduced setback for development similar to that being requested.

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

Rec 27.00
Doc 2905

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 30 day of April 2024, between **BRAD LEONARD and KAREN LEONARD, husband and wife,** whose address is 1238 SW 19th Ave, Ocala, FL 34471, Grantor, and **JOHNNY BUSCIGLIO and REBECCA ROSIN, husband and wife,** whose address is 12640 SE 141st 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.

Signed, sealed and delivered
in our presence:

Witness
Richard Mutarelli Jr.
Print Name 35 SE 1ST AVE., STE. 102 OCALA, FLORIDA 34471
Address

Witness
Samantha Melendez
Print Name 35 SE 1ST AVE., STE. 102 OCALA, FLORIDA 34471
Address

GRANTOR:

BRAD LEONARD

KAREN LEONARD

STATE OF FL
COUNTY OF Marion

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, the foregoing instrument was acknowledged before me by means of [✓] physical presence or [ ] online notarization, this 30 day of April 2024 by BRAD LEONARD and KAREN LEONARD, husband and wife, who is known to me (YES ✓ NO ____) to be the person described in and who executed the foregoing instrument, OR who has produced _____ as identification and acknowledged before me that they executed same for the purposes expressed herein.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of April 2024.

NOTARY PUBLIC STATE OF FLORIDA
RICHARD DAVID MUTARELLI, JR.
Commission # HH 472544
Expires April 11, 2028

_____(Print Name)
Notary Public, State of Florida
My 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

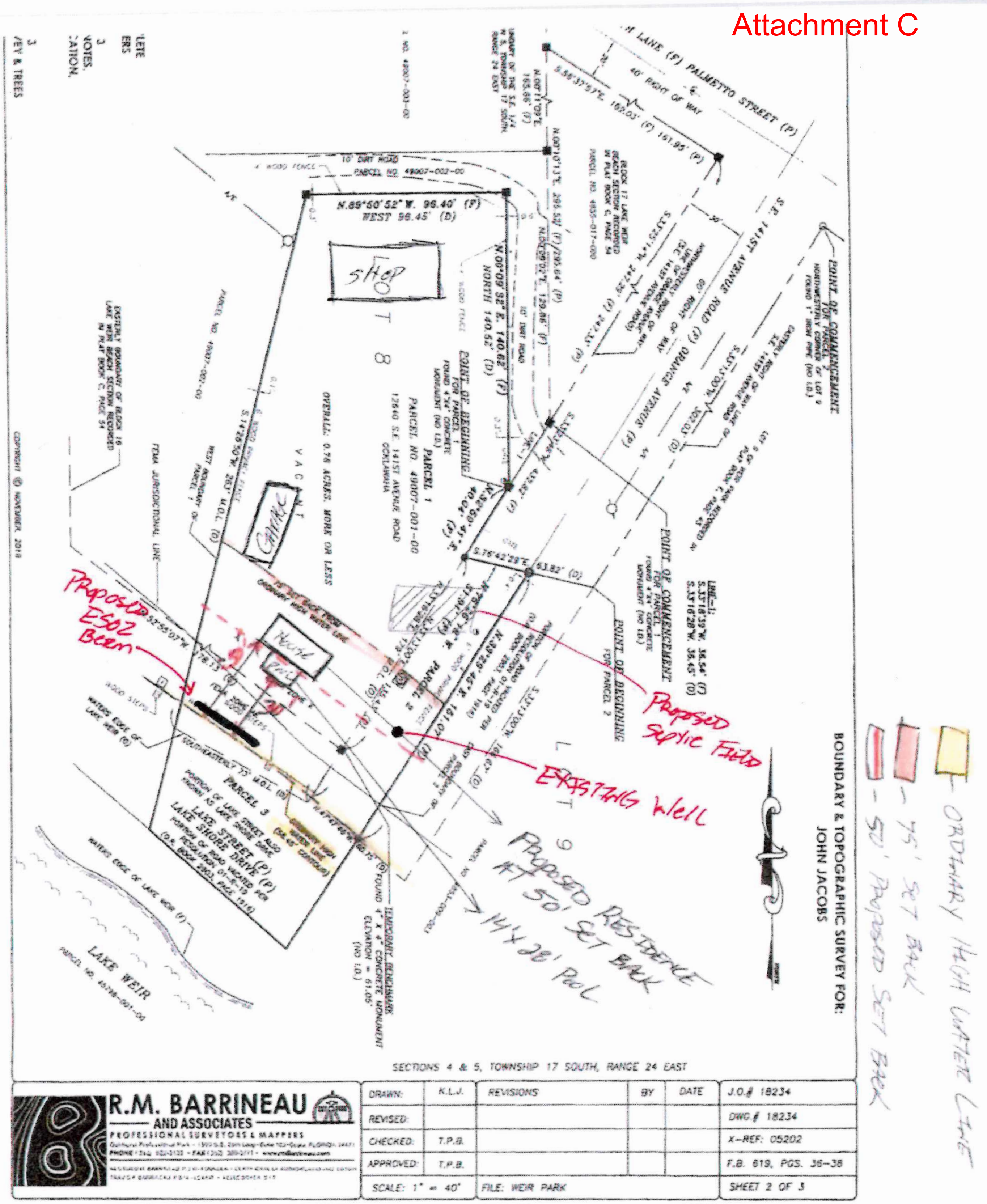
PARCEL 3:

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.


12640
ZONING
Notice of Public Hearing
Marion County
Application is being made to:
Change zoning from:
to:
Special Use Permit
Variance to
On this property which is owned by:


ZONING
Notice of Public Hearing
Marion County
Application is being made to:
Change zoning from:
to:
Special Use Permit
Variance to Reduce E'SDZ Setback From
25' to 30' for A New SFR & Existing Pool
On this property which is owned by:
Rebecca Rossi & Johnny Buscaglia
Hearing dates & times:
Zoning Commission: date time
Board of Adjustment: date 10/6/25 time 1:00pm
Board of County Commissioners: date time
It is unlawful to remove this notice until the above described Public Hearing has been held.
ID # 251002V
Zoning Director: CHUCK VARADIN


BOUNDARY & TOPOGRAPHIC SURVEY FOR:
JOHN JACOBS
PALMETTO STREET (P)
40' RIGHT OF WAY
S.E. 141ST AVENUE ROAD
ORANGE AVENUE (P)
60' RIGHT OF WAY
POINT OF COMMENCEMENT FOR PARCEL 1
POINT OF BEGINNING FOR PARCEL 1
POINT OF BEGINNING FOR PARCEL 2
N.89°50'52"W. 96.40' (F)
WEST 96.45' (D)
N.00°09'32"E. 140.62' (F)
NORTH 140.62' (D)
PARCEL 1
PARCEL NO. 49007-001-00
12640 S.E. 141ST AVENUE ROAD
OCKLAWAHA
OVERALL: 0.78 ACRES, MORE OR LESS
PARCEL 2
PARCEL 3
LAKE STREET (P)
LAKE SHORE DRIVE (P)
LAKE WEIR
FEMA JURISDICTIONAL LINE
TEMPORARY BENCHMARK
FOUND 4" X 4" CONCRETE MONUMENT
ELEVATION = 61.05'
(NO I.D.)
SHOP
GARAGE
HOUSE
POOL
Proposed ESOZ Beem
Proposed Septic Field
Existing Well
Proposed Residence at 50' set back
14'x28' Pool
Ordinary High Water Line
75' Set Back
50' Proposed Set Back
COPYRIGHT © NOVEMBER, 2018
SECTIONS 4 & 5, TOWNSHIP 17 SOUTH, RANGE 24 EAST
R.M. BARRINEAU AND ASSOCIATES
PROFESSIONAL SURVEYORS & MAPPERS
DRAWN: K.L.J.
REVISED:
CHECKED: T.P.B.
APPROVED: T.P.B.
SCALE: 1" = 40'
REVISIONS
BY
DATE
FILE: WEIR PARK
J.O.# 18234
DWG.# 18234
X-REF: 05202
F.B. 619, PGS. 36-38
SHEET 2 OF 3

Jimmy H. Cowan, Jr., CFA
Marion County Property Appraiser

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

Property Information

BUSCIGLIO JOHNNY
ROSIN REBECCA
12640 SE 141ST AVENUE RD
OCKLAWAHA FL 32179

Taxes / Assessments:
Map ID: 294
Millage: 9001 - UNINCORPORATED

M.S.T.U.
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	4 V-APPRAISERS OPINION	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	320,124
Neighborhood 8090											Total Land - Class	$320,124
Mkt: 10 70											Total Land - Just	$320,124

Miscellaneous Improvements

Type	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 -	$1,217

Appraiser Notes

2019 REVIEW W/PICTOMETRY /AERIAL 2017

Planning and Building

** Permit Search **

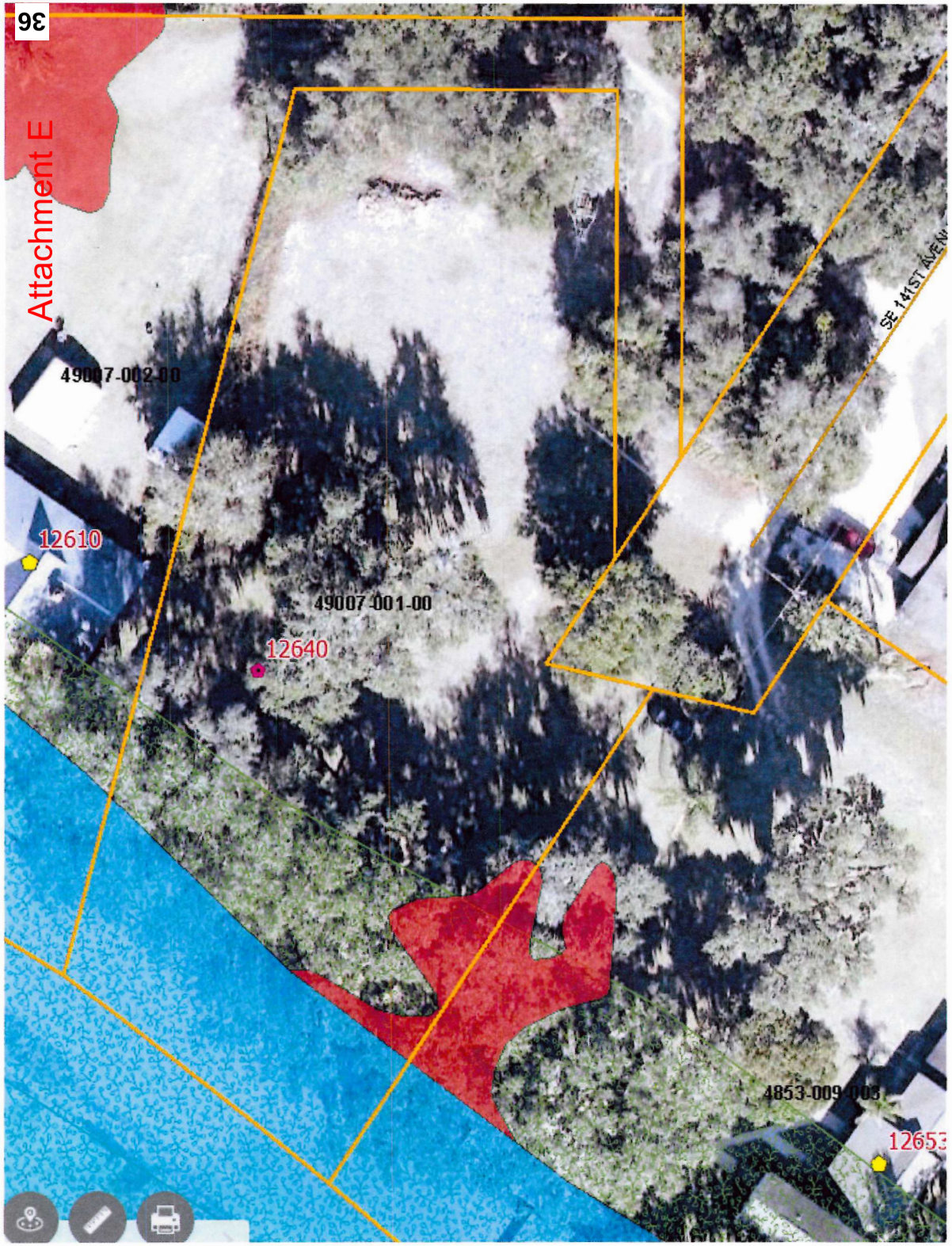
Permit Number	Date Issued	Date Completed	Description
M100281	10/1/2005	10/1/2005	DEMO

Cost Summary

Buildings R.C.N.	$0	6/1/2004
Total Depreciation	$0	
Bldg - Just Value	$0	
Misc - Just Value	$1,217	3/12/2011
Land - Just Value	$320,124	3/28/2023
Total Just Value	$321,341	.

Bldg Nbr	RCN	Depreciation	Depreciated

Attachment E

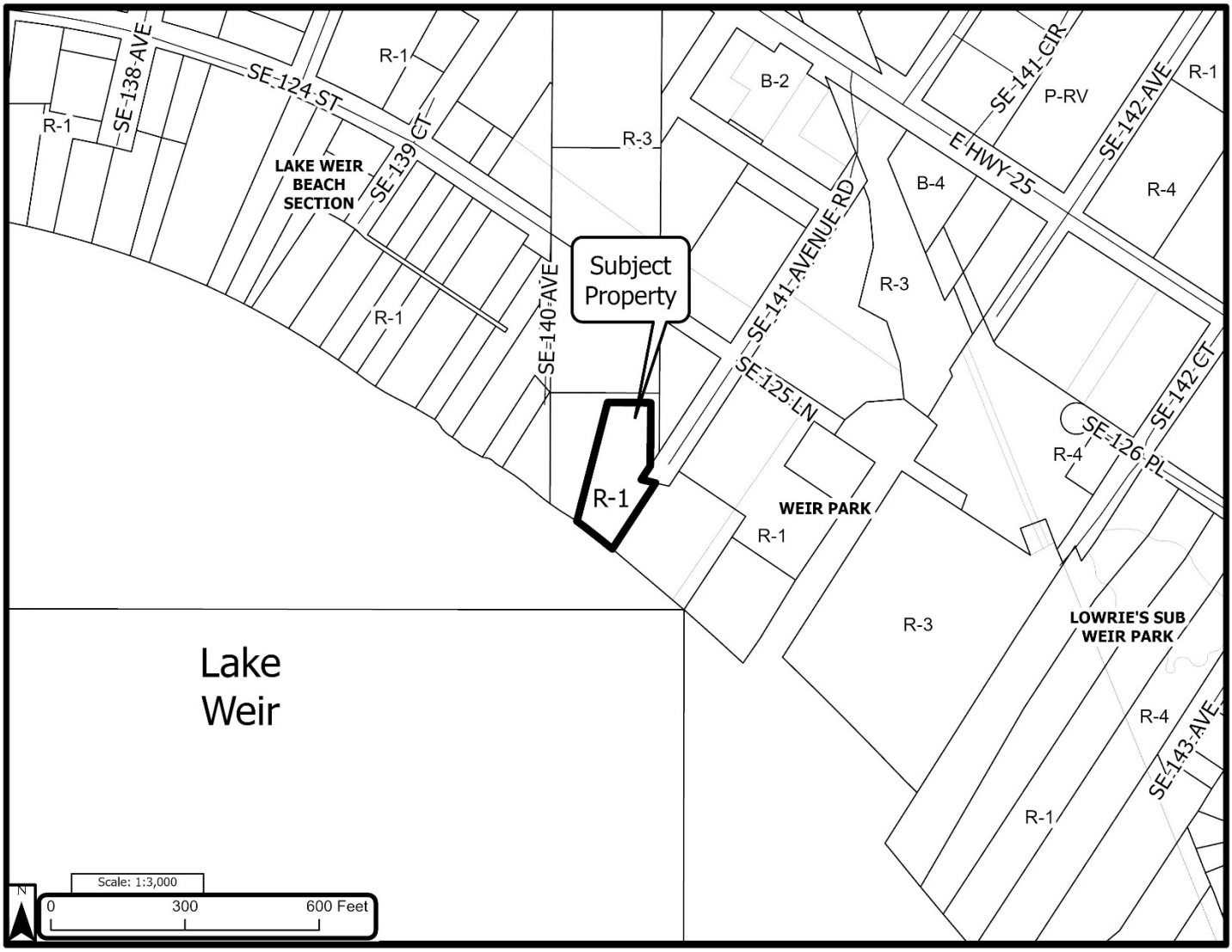


Public Notification for: VARIANCE

Attachment D

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 141st Avenue Rd, Ocklawaha, FL 32179
	Parcel(s):	49007-001-00 **Acreage:** ± 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

Attachment G

AR 33007

Marion County
Board of County Commissioners

Growth Services • Zoning

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

251002V

OFFICE USE ONLY
Received By:
Date Received: 8/12/25
Updated

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: .84 +/- acres

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 Johnny Buscaglio
(Print/Signature) Property Owner

12640 SE 141st Ave 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.

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 set back 30' to proposed inground swimming pool from the ordinary high water line, as opposed to the 75' setback currently assessed. Additionally, a detached garage, and a detached workshop are to be constructed on the property.

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

Applicant's justification:

The irregular shape of the subject lot width, style, and egress point onto the property make it difficult to build the proposed structures and meet the minimum set back requirements for well, septic, and potentially undue exorbitant costs in construction for relocating power lines, well, and septic on the property.

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:

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.

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 variance, if approved, would apply solely to Marion County Parcel ID: 49007-001-00

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.

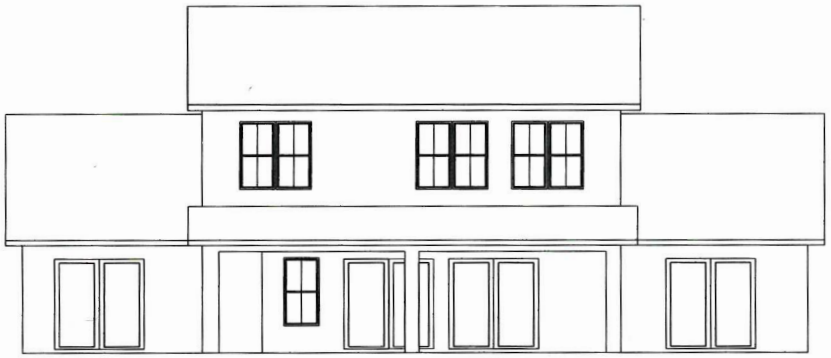
Looking south at lake from center of property.

Looking west from center of property.

Looking north from center of property.

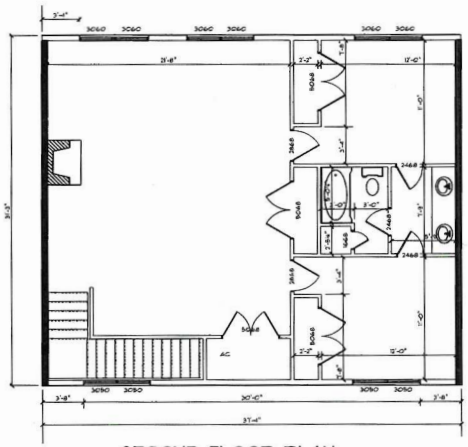
Closeup of sign posting.

Sign posting with address and parcel number.



REAR ELEVATION

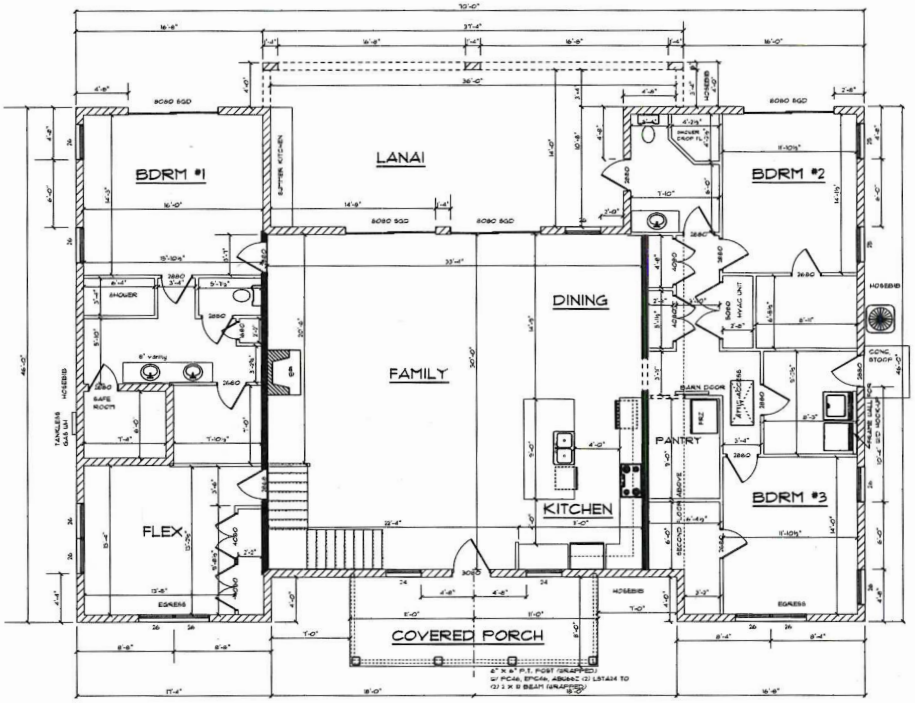
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

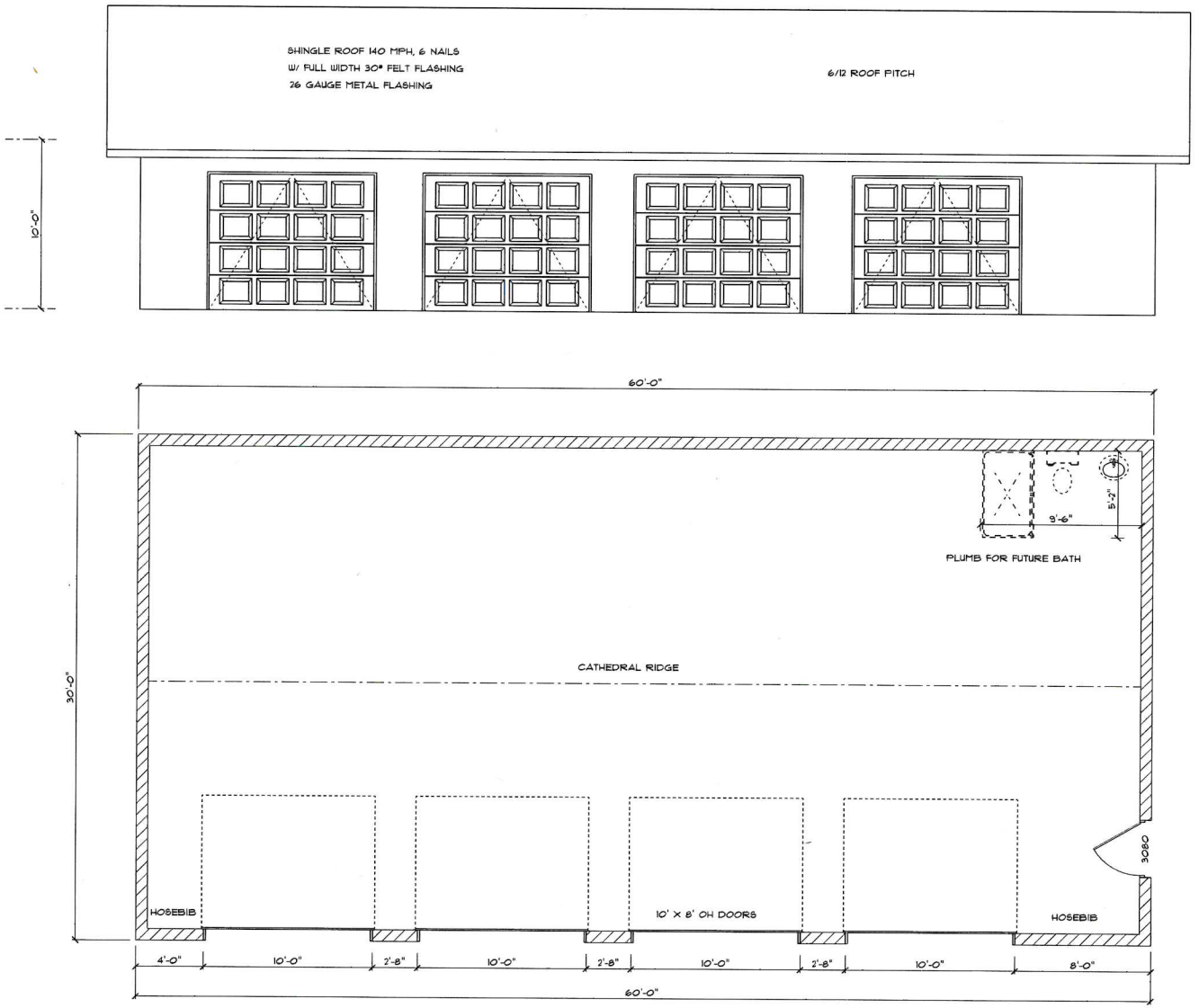
SCALE: 1/4" = 1'-0"

1170 SF LIVING



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

2744 SF LIVING - first floor
1170 SF LIVING - second floor
483 SF LANAI
176 SF COVERED PORCH
4573 SF TOTAL

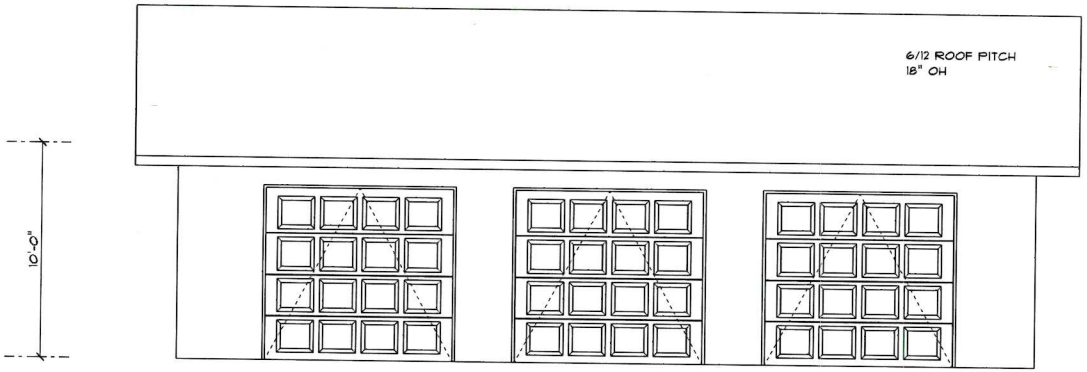


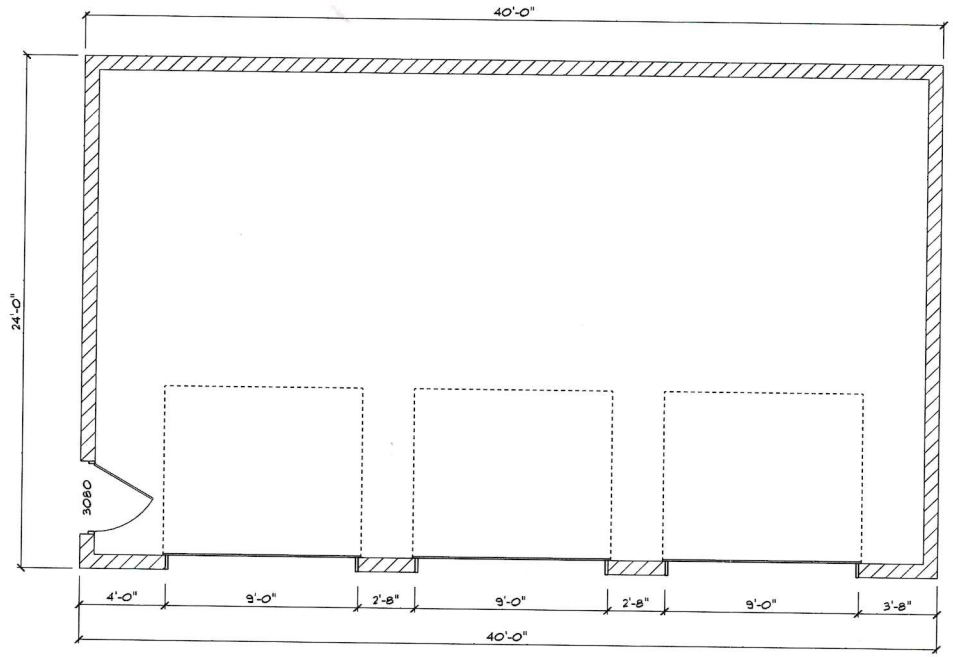
SHOP FLOOR PLAN

SCALE: 1/4" = 1'-0"

1800 SF SHOP

Attachment I





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

960 SF GARAGE

Attachment I

Marion County

Board of Adjustment

Agenda Item

File No.: 2025-21076 **Agenda Date:** 11/3/2025 **Agenda No.:** 4.1.

SUBJECT:
October 6, 2025

DESCRIPTION/BACKGROUND:
Minutes from the previous Board of Adjustment Meeting.

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

Updated 10-09-25 kl