



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: November 10, 2022

Case No. and Project Name: VAR-22-35-3, Giampa Property

Owner: Joseph Giampa

Applicant(s): Joseph Giampa and Rebecca Giampa

Requested Action: Variance to Land Development Regulations (LDR) Section 10.02.02 to allow a recreational vehicle (RV) for temporary housing during construction on a property 0.29 +/- acres in size, in lieu of the required minimum lot size of one (1) acre.

Case Manager: James Frye, Planner

Subject Property Information

Size: 0.29 +/- acres

Location: South of Northern Avenue and east of Summit Avenue, in the unincorporated Leesburg area of Lake County.

Alternate Key No.: 1181658

Future Land Use: Urban Medium Density

Current Zoning District: Urban Residential District (R-6)

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: Leesburg ISBA

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Medium	R-6	Vacant	Vacant and Undeveloped Residential Lot
South	Urban Medium	R-6	Vacant	Vacant and Undeveloped Residential Lot
East	Urban Medium	R-6	Vacant	Vacant and Undeveloped Residential Lot
West	Urban Medium	R-6	Residential	Single-Family Residence, adjacent to Summit Avenue

Summary of Request.

The subject property, identified as Alternate Key Number 1181658, contains 0.29 +/- acres, is zoned Urban Residential District (R-6), and is designated with an Urban Medium Density Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located South of Northern Avenue and East of Summit Avenue in the unincorporated Leesburg area of Lake County. The subject property is vacant.

LDR Section 10.02.02, *Temporary Housing During Construction*, allows for a single-wide mobile home, travel trailer, or recreational vehicle to be occupied as a temporary residence in agricultural or residential zoning districts for one (1) family on a lot of record or legally created lot that is one (1) acre in area or greater while a permanent residence is being constructed. On October 4, 2022, a building permit (Permit No. 2022100155) was applied for on the subject property for the placement of a 24-foot X 50-foot (1,200 square foot) single-family dwelling unit. The location of the single-family dwelling unit and the proposed RV for use as temporary housing are depicted on the Concept Plan (Attachment "A").

The Applicant has requested a Variance to LDR Section 10.02.02 to allow an RV for temporary housing during construction on the subject property, which is 0.29 acres in size, in lieu of the required minimum lot size of one (1) acre. If the Variance to the acreage requirement is granted, the applicant will be otherwise required to obtain a Temporary Housing During Construction permit, and the RV must be relocated and no longer used as a residence, or removed from the subject property within 30-days of receiving a Certificate of Occupancy on the permanent single-family residence.

The subject property is located within the Leesburg ISBA. The Variance application was provided to the staff of Leesburg for courtesy review. Leesburg provided no comment or opposition to the request.

The Variance application was provided to the Lake County Public Works Department and Lake County Chief Fire Inspector for review; the Public Works Department approved with no comments to the request. The Lake County Chief Fire Inspector provided one comment: "*Fire has no objection to the variance request for temporary housing.*"

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the Code, LDR Section 10.02.00, is to provide interim housing for residents of Lake County. Housing is provided in this Section for special purposes or during construction of a permanent residence. The County Manager or designee is authorized to give approval for the use of a mobile home, approved manufactured home, travel trailer, or recreational vehicle as a temporary residence during construction of a permanent residence if the requirements of 10.02.02 or 10.02.03 are met.

To show that the intent of the Code will be or has been achieved by other means, the Applicant provided the following statement, "*The LDR will be achieved by having a mobile home put on the property shortly after the temporary housing permit.*"

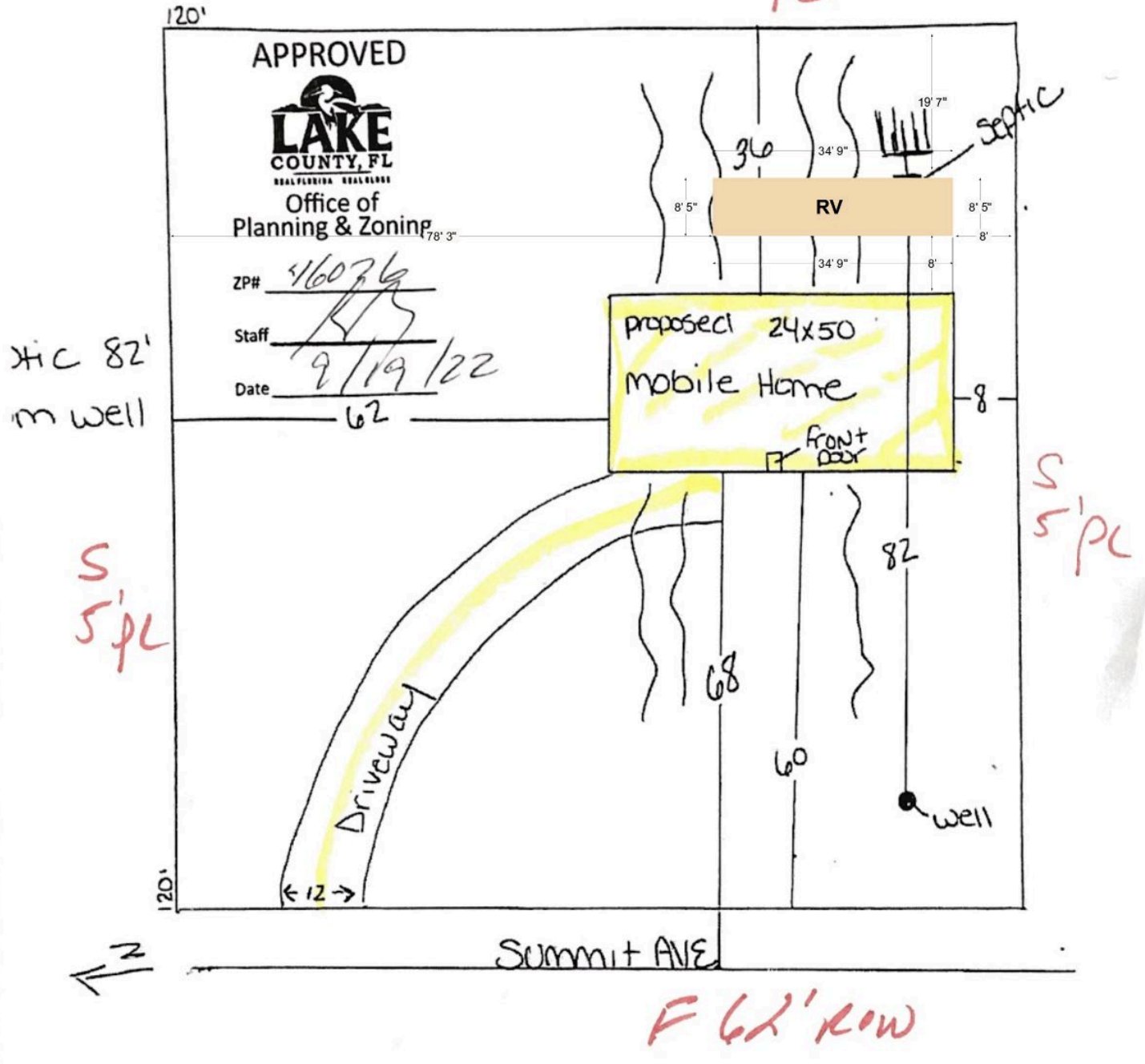
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

To show substantial hardship, the Applicant provided stated "*The requirement only allows temporary housing on properties with at least 1 acre. My property has 0.29 acre and my family and I need a place to live while we work on getting a mobile home put on the property. We are currently homeless and would like to set up an RV temporarily.*"

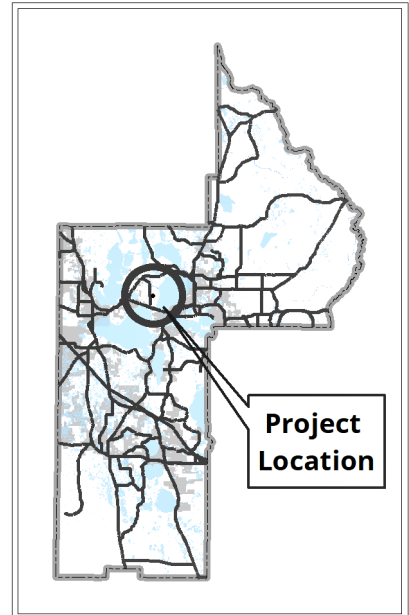
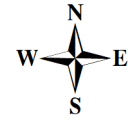
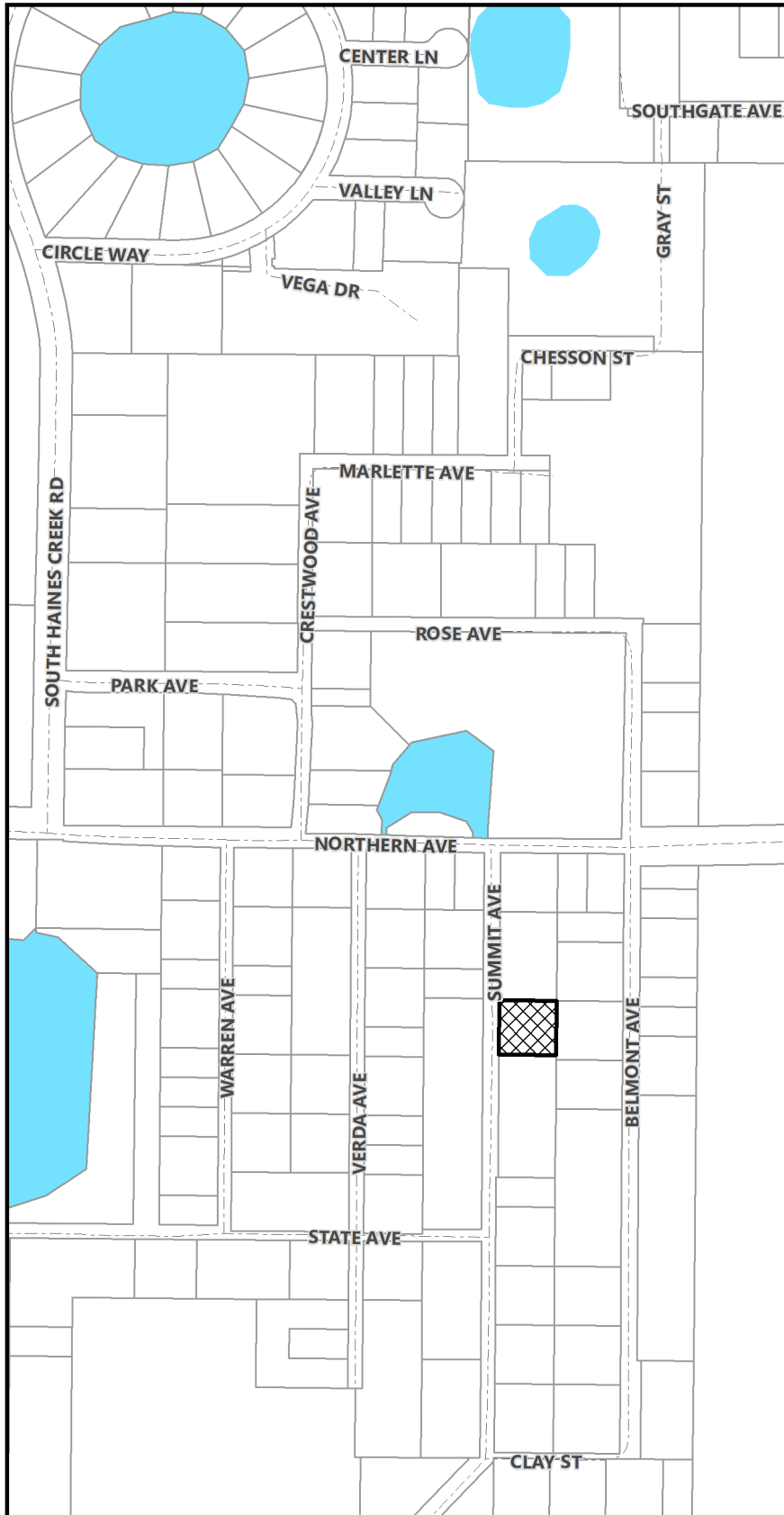
Attachment "A" - Concept Plan

20 Scale

Site plan *S 5'-1 PL*

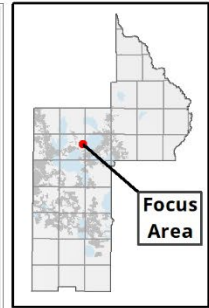


Map of Subject Property



Aerial Map

VAR-22-35-3
Giampa Property



**Allow Temporary
Housing During
Construction on
Less Than
1 Acre**

**Final Development Order
VAR-22-35-3
Giampa Property**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Joseph Giampa and Rebecca Giampa (the “Applicants”), on behalf of Joseph Giampa (the “Owner”), requested a Variance to Land Development Regulations (LDR) Section 10.02.02 to allow a recreational vehicle (RV) for temporary housing during construction on a property 0.29 acres in size, in lieu of the required minimum lot size of one (1) acre; and

WHEREAS, the subject property consists of 0.29 +/- acres and is located south of Northern Avenue and east of Summit Avenue in the unincorporated Leesburg area of Lake County, in Section 13, Township 19, Range 25, having Alternate Key Number 1181658, and more particularly described below; and

BEG 1388 FT S & 920 FT E OF NE COR NW 1/4 OF NW 1/4 AT INTERSECTION S
LINE NORTHERN AVE WITH E LINE SUMMIT AVE RUN S 300 FT TO POB, RUN E
120 FT, S 120 FT, W 120 FT, N TO POB ORB 5619 PG 295

WHEREAS, after giving notice of a hearing on a petition for a Variance to the Lake County Land Development Regulations, including notice that the request for a Variance would be presented to the Board of Adjustment of Lake County, Florida, on November 10, 2022; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on November 10, 2022, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-22-35-3, to allow a recreational vehicle (RV) for temporary housing during construction on a property 0.29 acres in size, in lieu of the required minimum lot size of one (1) acre; with the following conditions:

1. The applicant must obtain a Temporary Housing During Construction permit; and
2. The RV must be relocated and no longer used for residential purposes, or removed from the subject property, within 30-days of receiving a Certificate of Occupancy on the permanent single-family residence.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

**Section 3. Effective Date. This Ordinance will become effective as provided by law.
ENACTED this 10th day of November 2022.
EFFECTIVE November 10, 2022.**

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

James Argento, Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10th day of November 2022, by James Argento, as Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)