



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: May 3, 2023

Case No. and Project Name: VAR-23-17-4, Sullivan Property

Owners: Jeff M. and Renee L. Sullivan

Applicant: Jeff M. Sullivan

Requested Action: Variance to Land Development Regulations (LDR) Section 3.01.04(7) to allow for the use of a Recreational Vehicle as temporary single-family residence.

Case Manager: Bernice Gonzalez, MDUR, CMP, AICP, MCIP-I, Senior Planner

### Subject Property Information<sup>44</sup>

Size: 5.61 +/- acres

Location: 36913 Leslye Lane, in the unincorporated Eustis area

Alternate Key No.: 2744456

Future Land Use: Wekiva River Protection Area Sending Area A-1-20

Current Zoning District: Agriculture (A)

Flood Zone: "X"

Overlay Districts: Wekiva Study Area  
Wekiva River Protection Area (WRPA)

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	WRPA Sending Area A-1-20 and Conservation	Agriculture (A)	Vacant, Residential	Single-Family Residence and Vacant Residential
South	WRPA Sending Area A-1-20	Agriculture (A)	Residential and Agriculture	Agricultural Operations and Single-Family Residences
East	WRPA Sending Area A-1-20	Agriculture (A)	Residential	Single-Family Residences, adjacent to Leslye Lane
West	WRPA Sending Area A-1-20	Agriculture (A)	Residential and Agriculture	Agricultural Operations and Single-Family Residences

### Summary of Request.

The subject 5.61 +/- acre parcel is identified by Alternate Key Number 2744456. The parcel is zoned Agriculture (A) and is designated with a Sending Area A-1-20 Future Land Use Category (FLUC). The parcel is located at 36913 Leslye Lane, in the Eustis area of unincorporated Lake County. Based on the GIS aerial map, the subject parcel is currently developed with accessory structures. No primary structure exists.

A variance based on "Substantial Hardship" due to economic impact is being requested by the Applicant in order to allow the property owners to use a Recreational Vehicle (RV) as their temporary residence until they are able to construct a permanent residence on the property. The Applicant claims the Substantial Hardship is a result of a loss of employment due to an injury causing a disability. The Applicant has a pending personal injury case that has not yet been resolved further contributing to their hardship.

Applicant's plans are to build a single-family home on the property. Applicant had been working with Dream Custom Homes in building their new residence until the delays in the injury case extended their timeline. Applicant is hoping to build their home in the next 6 to 12 months.

There is an open Code Enforcement case on this property (Attachment "A") for residing in an RV which is a violation of LDR Section 3.01.04(7). LDR Section 3.01.04(7) states that. "Recreational vehicles Shall not be occupied as a residence permanently or temporarily in any zoning district except for the RV zoning district or as a temporary use under Section 10.02.02." LDR Section 10.02.02 states that, "A single-wide mobile home, travel trailer, or recreational vehicle may 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 thereon under the following conditions:"

- A Building Permit has been obtained for a permanent residential Building on the Site on which the mobile home, travel trailer, or recreational vehicle is to be temporarily located.
- The mobile home, travel trailer, or recreational vehicle Shall not be placed on such Site until health department authorized sanitary waste facilities have been installed thereon.
- The mobile home will be removed from the premises within thirty (30) days after the completion of the residential structure, upon cancellation or expiration of the building permit for the permanent residence, or when any provisions hereof have been violated. If a travel trailer or recreational vehicle was used, it Shall be removed or properly stored in accordance with Zoning district rules within thirty (30) days after the completion of the residential structure, upon cancellation or expiration of the building permit for the permanent residence, or when any provisions hereof have been violated.
- A letter shall be submitted by the holder of the building permit explaining in detail the means of financing the construction of the primary residence, which will assure expeditious completion; such letter shall also give assurance that the mobile home travel trailer, or recreational vehicle will be maintained and occupied on the subject premises only as long as the original building permit is in full force and effect.
- The applicant shall give the County a cash or surety bond in the amount of five thousand dollars (\$5,000.00) guaranteeing that the mobile home, travel trailer or recreational vehicle shall remain on the building site only as long as the building permit is in full force and effect. It will be subject to the condition that no extension of time of the building permit shall extend the time for maintaining the mobile home, travel trailer or recreational vehicle on the property, unless substantial progress has been made on the construction of the permanent residential building. Substantial progress as shall be evidenced by required inspections having been completed within the time limit permitted.
- The applicant shall pay an application fee. The Board of County Commissioners shall set such fees by resolution.

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

Applicant provided a Concept Plan (Attachment "B") as part of their application that shows the current and previous structures on the property at the time that their plans to build a home came to a halt.

### 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 3.01.00, *Zoning District Use Regulations*, is to describe the specific uses and restrictions that apply to the zoning districts established in these regulations. These regulations are intended to allow development and use of property only in compliance with the goals, objectives and policies of Lake County as expressed in the Lake County Comprehensive Plan (Comp Plan).

The Applicant provided the following statement as proof that the intent of the Land Development Regulation will be or has been achieved by other means: *"This request to use the RV as our residence is temporary until our court case, pertaining to my injury, is concluded. At that time, we will immediately begin the process to build a Single-Family Dwelling."*

**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.**

The Applicant provided the following statement as proof of a substantial hardship: *"I had an accident where I suffered a multiple fracture of my left ankle. I have been placed on 100% Social Security Disability and am unable to maintain my FAA Medical Certificate required for my position as a Commercial Pilot. Unable to afford our Mortgage payments, we had to sell our house and determined that living on this property in an RV was the only affordable option until we can arrange to build our permanent residence."*

# Attachment "A" — Notice of Violation



OFFICE OF CODE ENFORCEMENT

## NOTICE OF CODE VIOLATION

DATE: 10/11/2022

CASE NUMBER: 2022-10-0044

LOCATION OF VIOLATION: 36913 LESLYE LN, EUSTIS

IN ACCORDANCE WITH LAKE COUNTY CODE AND/OR LAND DEVELOPMENT REGULATIONS YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED PROPERTY IS IN VIOLATION OF SECTION(S):

**3.01.04 – Key to Conditions in Table of Permitted and Conditional Uses.**

7. Recreational vehicles Shall not be occupied as a residence permanently or temporarily in any zoning district except for the RV zoning district or as a temporary use under Section 10.02.02.

**IN ORDER TO PREVENT ANY FURTHER ACTION, THE FOLLOWING CORRECTIVE MEASURES MUST BE TAKEN: Cease occupying RV immediately.**

DAYS TO COMPLY: 14

*Adam Harr*

CODE ENFORCEMENT OFFICER

/mh

PLEASE FEEL FREE TO CONTACT ME AT **352-636-3703** OR EMAIL ME AT:  
**adam.harr@lakecountyfl.gov** TO DISCUSS YOUR CASE.


ALL LAKE COUNTY CODES CAN BE VIEWED ONLINE AT **WWW.MUNICODE.COM**. IF A PERMIT IS REQUIRED, PLEASE PROVIDE A COPY OF THIS LETTER TO THE OFFICE OF BUILDING.

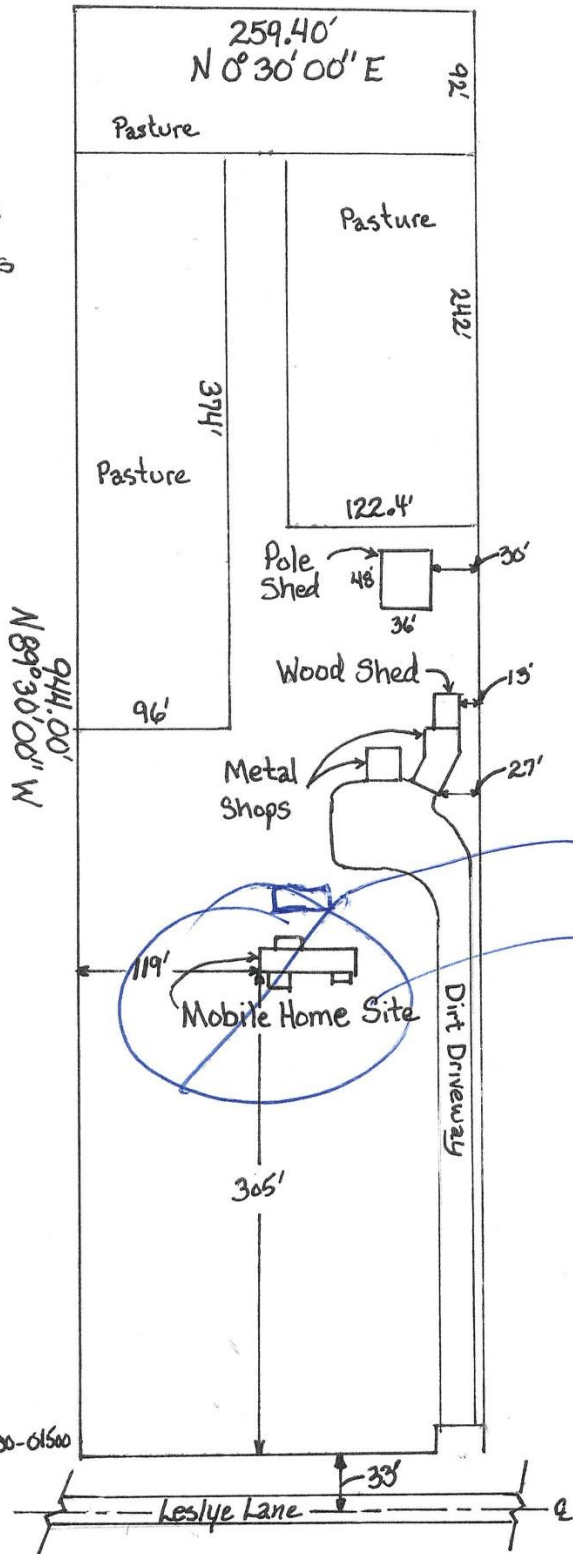
MAILED TO:  
SULLIVAN JEFF M & RENEE L  
36913 LESLYE LN  
EUSTIS, FL 32736-8490

# Attachment "B" — Concept Plan

## PLOT PLAN

Evergreen Subdivision  
Lot 15 / 5.6 Acres

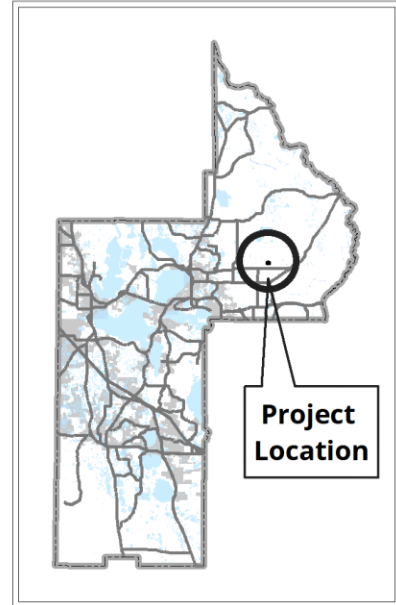
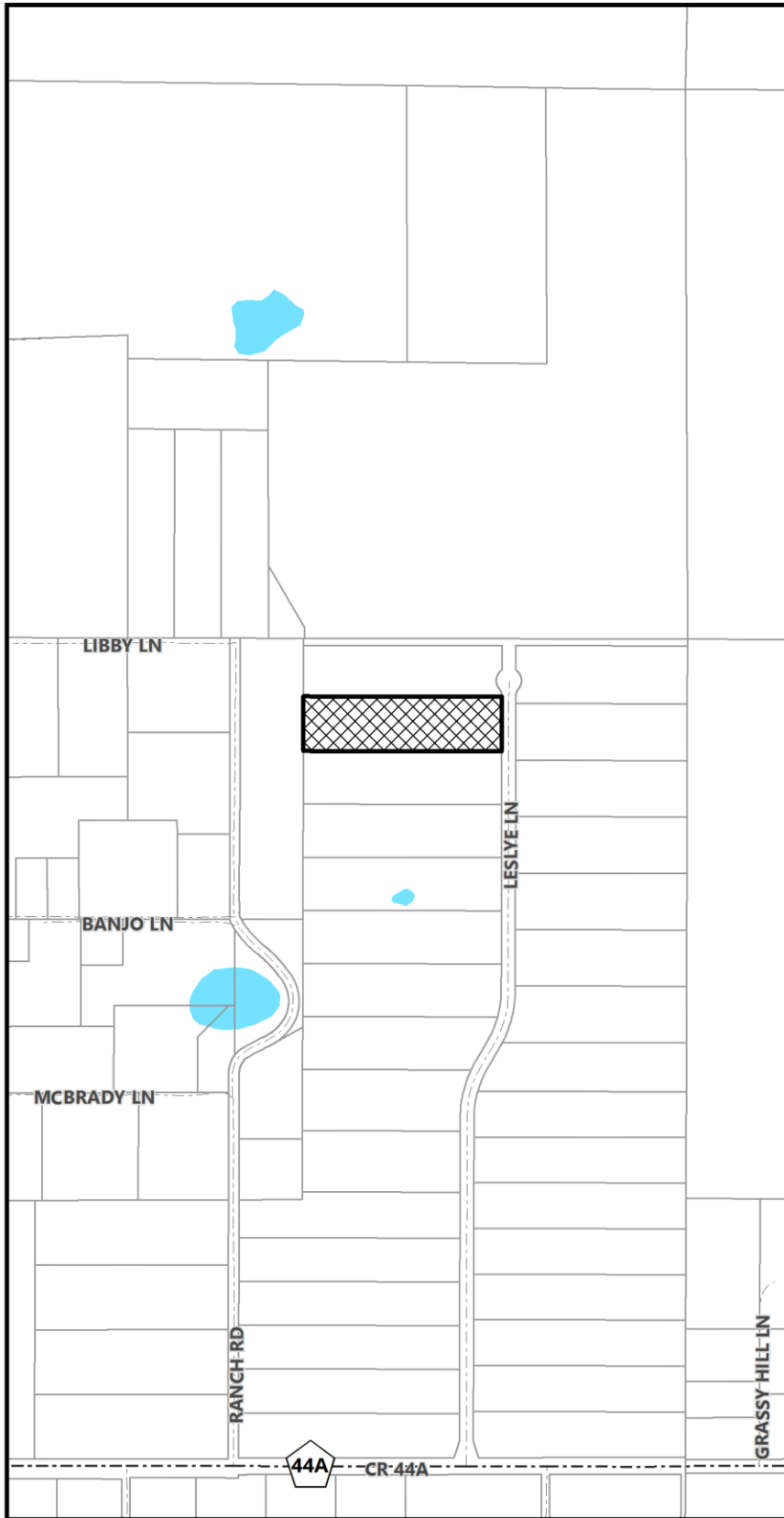
N   
Scale 1" = 100'



5th wheel  
12x36  
Removed

36913 Leslye Lane  
Eustis, FL 32736  
APN: 32-18-28-0050-000-01500  
ALT KEY 2744456

# Map of Subject Property



# Aerial Map of Subject Parcel



VAR-23-17-4  
Sullivan Property



Allow RV As Dwelling

Legend

-  Wekiva Study & Protection Area

**Final Development Order**  
**VAR-23-17-4**  
**Sullivan Property**

**WHEREAS**, Jeff M. Sullivan (the “Applicant”), on behalf of Jeff M. and Renee L. Sullivan (the “Owners”), requested a Variance to Land Development Regulations (LDR) Section 3.01.04(7) to allow for the use of a Recreational Vehicle as temporary single-family residence; and

**WHEREAS**, the subject property consists of 5.61 +/- acres and is located at 36913 Leslye Lane, in the unincorporated Eustis area of Lake County, in Section 36, Township 17, Range 28, having Alternate Key Number 3828764 and more particularly described below;

EVERGREEN Subdivision LOT 15, according to the plat thereof as recorded in Plat Book 27, Pages 8 through 9, inclusive of the public records of Lake County, Florida.

**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 April 5, 2023; 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 April 5, 2023, the Lake County Board of Adjustment approved the variance for the above property.

**DONE AND ORDERED** by the Board of Adjustment of Lake County, Florida, that:

**Section 1. Variance Granted:** A variance to Land Development Regulations (LDR) Section 3.01.04(7) to allow for the use of a Recreational Vehicle as temporary single-family residence is hereby **granted** under the following conditions:

- A. The Recreational Vehicle shall not be placed on the property until property owners have demonstrated that sanitary waste facilities have been installed or demonstrate how waste will be properly disposed.
- B. The Recreational Vehicle will only be occupied by Jeff M. and Renee L. Sullivan. No other persons shall be permitted to reside in the Recreational Vehicle.
- C. The property owners shall give the County a cash or surety bond in the amount of five thousand dollars (\$5,000.00) no later than twenty (20) days from the date of this Order guaranteeing that the Recreational Vehicle shall be removed from the property at the expiration of this variance. The cash or surety bond must remain valid for the term of this variance. Failure to timely provide the surety bond will result in immediate termination of this variance.



**Section 2. Variance Expiration:** This variance will expire twelve (12) months from the date of this Order, or on the date a building permit is issued, whichever comes first. In order to continue using the Recreational Vehicle as a temporary residence after the issuance of a building permit for a permanent dwelling unit, the property owners must be in compliance with LDR Section 10.02.02 entitled *Temporary Housing During Construction*. If the property owners do not obtain a building permit prior to the expiration of this variance, the Recreational Vehicle will be relocated to an appropriately zoned property (e.g., Recreational Vehicle Park).

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Addie Owens, Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 3rd day of May 2023, by Addie Owens, as Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

**Type of Identification Produced** \_\_\_\_\_

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**Notary Signature**

**(SEAL)**

Pursuant to Section 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public meeting or hearing of the Board of Adjustment, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

A final administrative order of the Board of Adjustment may be appealed to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of this Order. Those filing an appeal of an administrative order must comply with all applicable Florida Rules of Appellate Procedure.