



# VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-21-90-4 Murphy Property

Owner: Charles P Murphy

Applicant: Paul Ryan Fitzgerald, Ryan Fitzgerald Construction Inc.

Requested Action: Variance to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the square footage of an accessory structure (44' X 35' metal building) to exceed eighty (80) percent of the living area of the dwelling unit on a residential lot less than an acre in size.

Case Manager: Emily W. Johnson, Senior Planner

### Subject Property Information

Size: 0.2 +/- acres

Location: 40301 West Third Avenue, in the Umatilla area of unincorporated Lake County

Alternate Key No.: 1792517

Future Land Use: Rural Transition

Current Zoning District: Rural Residential (R-1)

Flood Zones: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural Transition	R-1	Residential	Vacant Residential
South	Rural Transition	R-1	Residential	Vacant Residential
East	Rural Transition	R-1	Residential	Vacant Residential adjacent to West Third Avenue
West	Rural Transition	R-1	Residential	Vacant Residential

### Summary of Request.

The subject property, identified as Alternate Key Number 1792517, contains 0.2 +/- acres, is zoned Rural Residential (R-1), and is designated with a Rural Transition Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located west of West Third Avenue in the East Umatilla Subdivision, in the unincorporated Umatilla area of Lake County. The subject property is currently developed with a single-family dwelling unit.

The Applicant has requested a variance to LDR Section 10.01.01(D) to allow for the square footage of an accessory structure (44' X 35' metal building) to exceed eighty (80) percent of the living area of the dwelling unit. LDR Section 10.01.01(D) applies exclusively to parcels that contain one (1) acre of land or less, and requires that the cumulative square footage of all accessory structures not exceed eighty (80) percent of the living area of the dwelling unit. The location of the proposed accessory structure depicted on the plot plan (Attachment "A").

The Lake County Department of Public Works reviewed the variance application and did not identify any comments or objections.

### 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.**

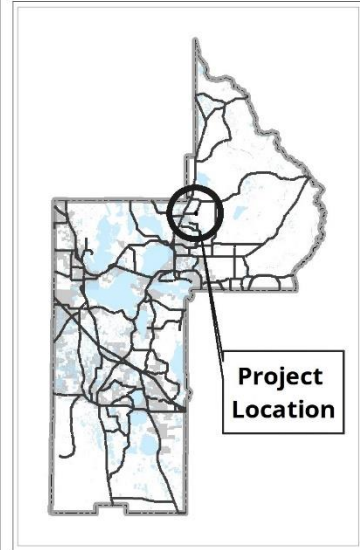
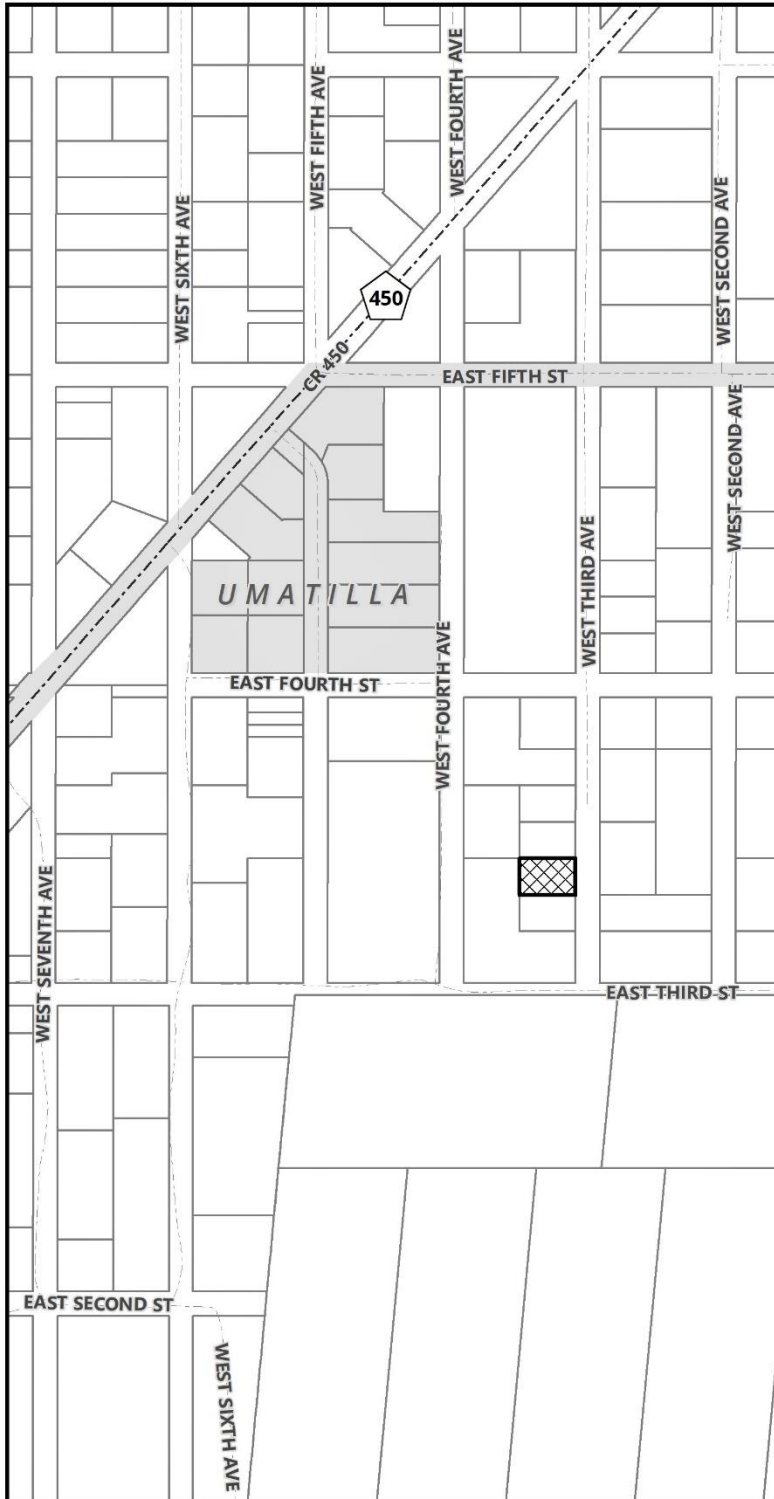
The intent of the code is to regulate the installation, configuration, and use of accessory and temporary structures and uses to preserve the community and property values and to protect the community character.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"Mr. Murphy made every effort to adhere to the rules, he combined several lots under one title to allow for his desire[d] building of 44' x 35'. The additional 420 st ft [sic], although over the allotted, will not adversely affect anyone, however, he will not be able to secure his possessions properly without it. This building size is the minimum size for his needs."*

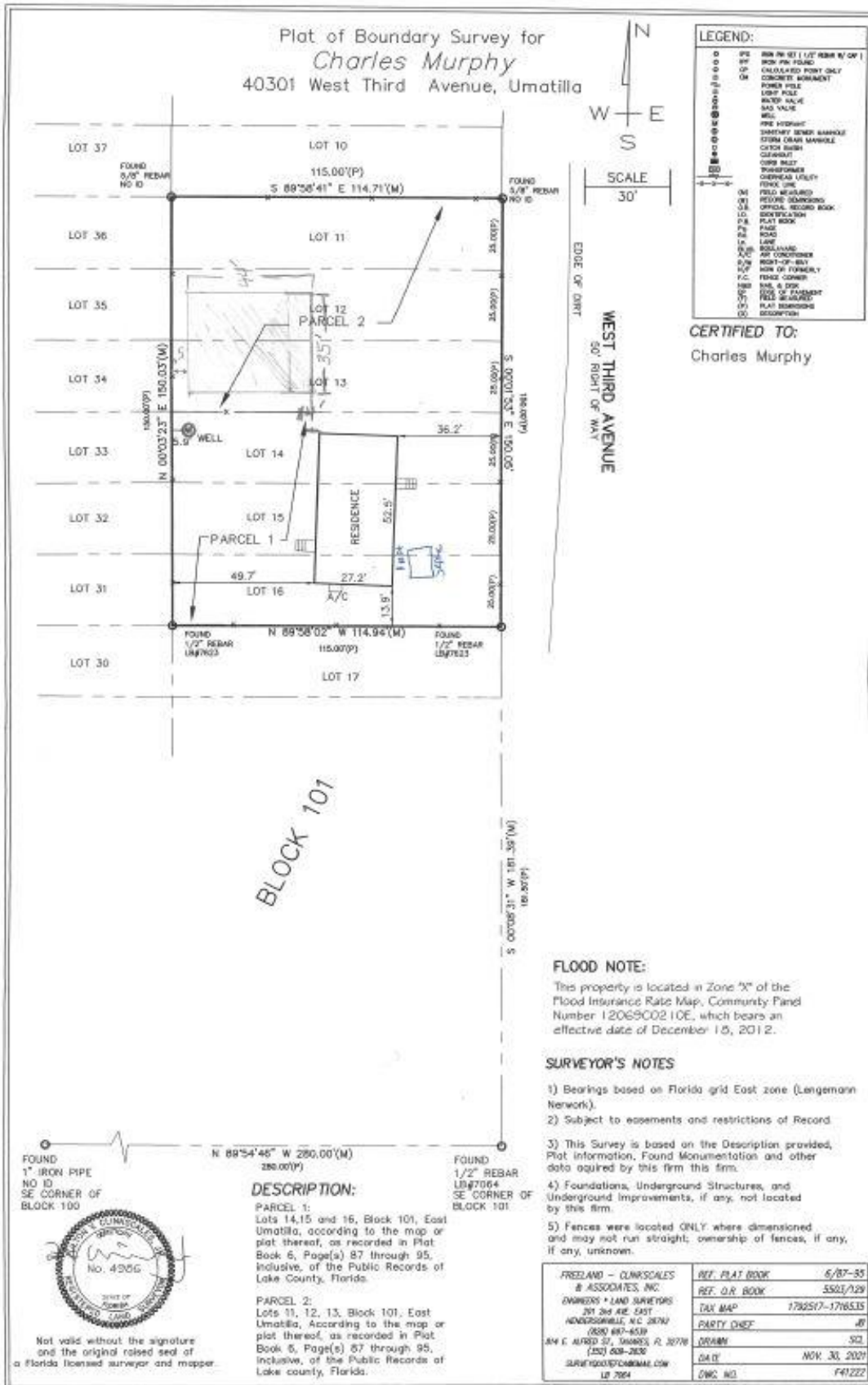
**2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. 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 the following statement, *"Mr. Murphy has recently filed a Unity of Title to encompass all the lots he owned under one deed so that he could have the building installed, not understanding he needed an acre or more for that size building. His lot is under the 1 acre needed for this size building. He is located on a dead end and the additional square footage would not impede any neighbors at all. The building size is needed to garage his items safely and securely since he has no means at all at this time."*

# Map of Subject Property



# Attachment "A" – Plot Plan



**Final Development Order  
VAR-21-90-4  
Murphy Property**

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

**WHEREAS**, Paul Ryan Fitzgerald, Ryan Fitzgerald Construction Inc., (the “Applicant”), on behalf of Charles P Murphy, (the “Owner”), requested a variance to Land Development Regulations (LDR) Section 10.01.01(D) to allow for the square footage of an accessory structure (44’ X 35’ metal building) to exceed eighty (80) percent of the living area of the dwelling unit; and

**WHEREAS**, the subject property consists of 0.2 +/- acres and is located at 40301 West Third Avenue, in the Umatilla area of unincorporated Lake County, in Section 08, Township 18, Range 27, having Alternate Key Number 1792517, and more particularly described below; and

East Umatilla, Lots 14, 15,16, Block 101, according to the map or plat thereof, as recorded in Plat Book 6, Page(s) 87-95, 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 March 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 March 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-21-90-4, to allow for the square footage of an accessory structure (44’ X 35’ metal building) to exceed eighty (80) percent of the living area of the dwelling unit.

**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.

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**Section 3. Effective Date. This Ordinance will become effective as provided by law.**

**ENACTED this 10<sup>th</sup> day of March, 2022.**

**EFFECTIVE March 10, 2022.**

**BOARD OF ADJUSTMENT  
LAKE COUNTY, FLORIDA**

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**Bea Meeks, Vice Chairman**

**State of Florida**

**County of Lake**

**Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 10<sup>th</sup> day of March, 2022, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.**

**Personally Known OR Produced Identification**

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

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**Notary Signature**

**(SEAL)**