

LAKE COUNTY OFFICE OF PLANNING AND ZONING VARIANCE STAFF REPORT

Project Information	
Project Name and Case No.	Rohrdanz Property, VAR-19-01-4
Applicant	Frederick C. Rohrdanz and Suan Kirkpatrick Rohrdanz
Owner	Frederick C. Rohrdanz and Suan Kirkpatrick Rohrdanz, Co-trustees of the Frederick C. Rohrdanz and Suan Kirkpatrick Rohrdanz Family Trust dated February 2, 2016
Requested Action	Variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1) to allow the creation of two (2) lots from a lot that was created through a previous lot split in 1992; LDR Section 14.11.01(D)(2) to allow the creation of two (2) lots through the minor lot split process which will not front on a publicly maintained paved road; LDR Section 14.11.01(D)(2)(c) to allow the creation of one of a new parcel to front on a twenty (20) foot easement in lieu of a fifty (50) foot easement; and LDR Section 3.10.00 to allow the creation of a new parcel with a minimum road frontage of seventy-five (75) feet in lieu of one hundred (100) feet.
Board of Adjustment Board Hearing Date	April 11, 2019
Staff Analysis/Determination	Staff recommends approval of the variance request with the conditions outlined in the development order.
Case Manager	Janie Barrón

Subject Property Information	
Size	4.295 +/- acres
Location	East of Lone Pine Lane, west of Blue Lake in the Eustis area
Alternate Key No.	1443016
Future Land Use	Urban Low Density Future Land Use Category
Current Zoning District	Rural Residential (R-1)
Floodzone	Flood Zones "AE" and "X"
Joint Planning Area/ ISBA	Eustis JPA
Overlay Districts	Wekiva Study Area

Land Use Table				
Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Rural Residential (R-1)	Residential	Single-family dwelling units
South	City	City	Vacant	Residential
East	N/A	N/A	Street	Lone Pine Lane
West	N/A	N/A	Lake	Blue Lake

Summary of Request
The subject parcel had previous lot split approvals in 1990 and 1992 (LLW-1990-3, SV-11-92-4 and LLW-1992-112). The property is currently developed with a single-family dwelling unit.

Summary of Request

The Owners seek to split the subject 4.295 acre parcel into two (2) lots (Attachment A). Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1) and (2) Standards state that only two (2) lots may be created from the original legally created lot or lot of record. The total number of lots created shall include the original parcel. The original parcel shall be known as the parent parcel and those lots created out of the parent parcel shall not be entitled to another minor lot split. Additionally, each lot shall front on a publicly maintained paved road. The subject property was created through the split of an original parent parcel and pursuant to the LDRs is not entitled to an additional lot split without variance approval.

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 75 front feet keeps everything in order and will allow us to properly divide or 4+ acres which we have owned since the early 1990's (almost 30 yrs) so we can build a 2nd smaller home approx. 2,000 square feet on parcel 2. We would then sell parcel 1 with our existing home on it. The 20 ft wide easement is adequate for emergency vehicle access."

The intent of the Code, LDR Section 14.11.00, is to ensure that properties being split have the facilities that are required for the development of parcels such as roads, schools, parks, fire, and sewer and water facilities. The proposed lot split request is consistent with LDR Section 14.11.01(D) as the Owners propose to create two (2) parcels consistent with the maximum density specified by the zoning designation (one dwelling unit per one net acre) and future land use category (four dwelling units per one net acre). The proposed parcels are 1.41 acres and 2.88 acres in size. Additionally, the Owners propose to create a twenty (20) foot wide easement for access to proposed parcel #2. The Office of Building Services fire inspector has reviewed the application and found that the proposed easement is adequate for emergency vehicle access. The proposed lot split will not increase the density beyond the general nature of the surrounding area.

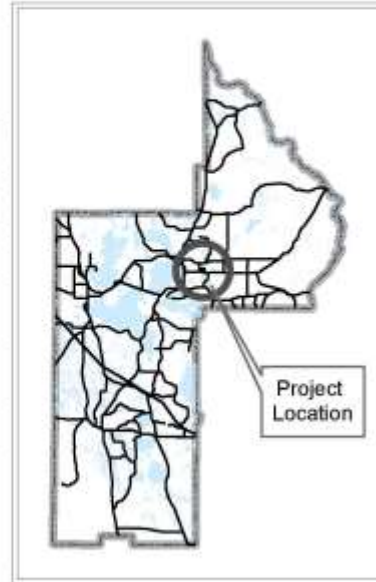
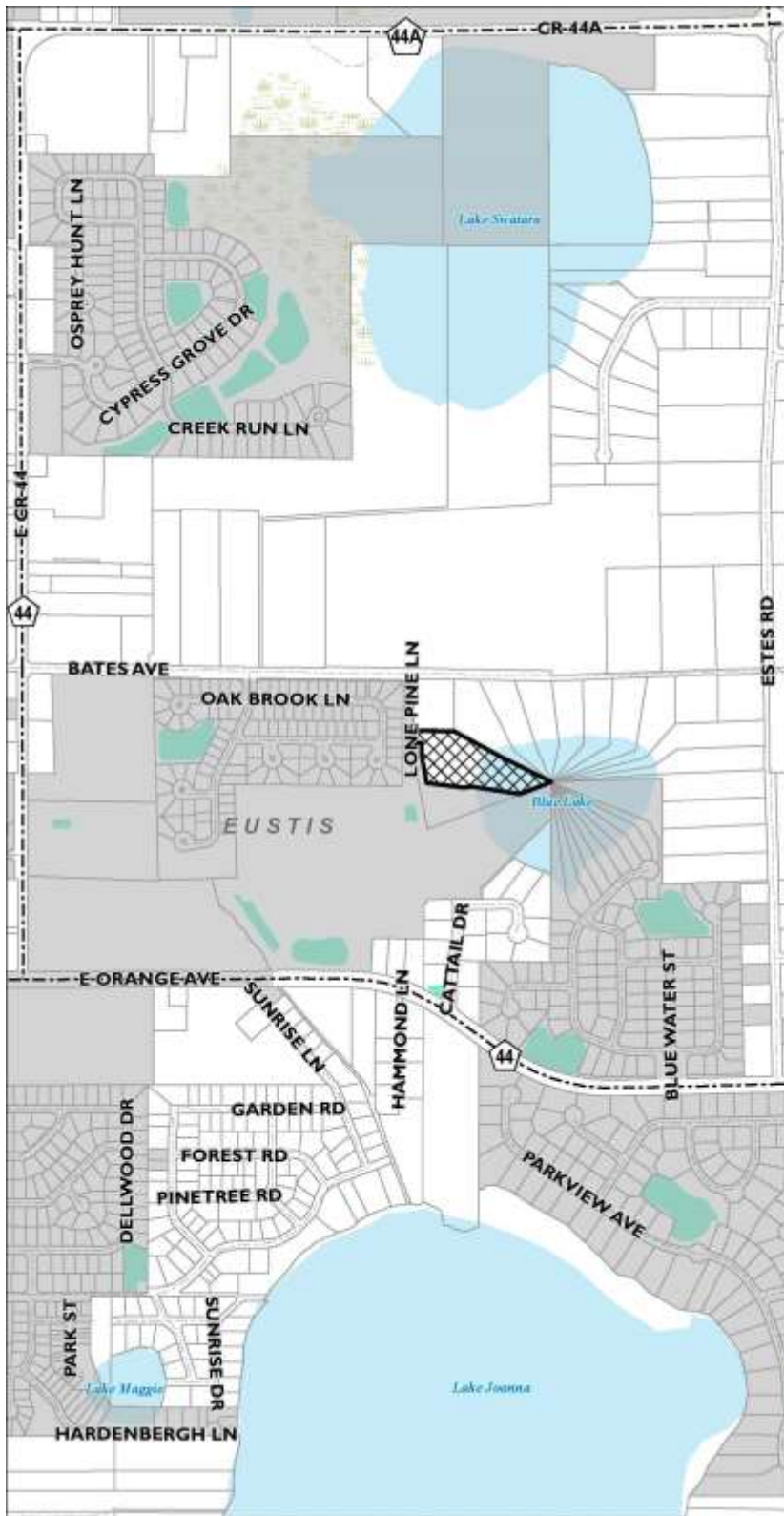
Pursuant to LDR Section 14.07.02, Platting Required, a lot created via administrative lot split pursuant to LDR Section 14.11.00 is an exception to mandatory platting.

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.

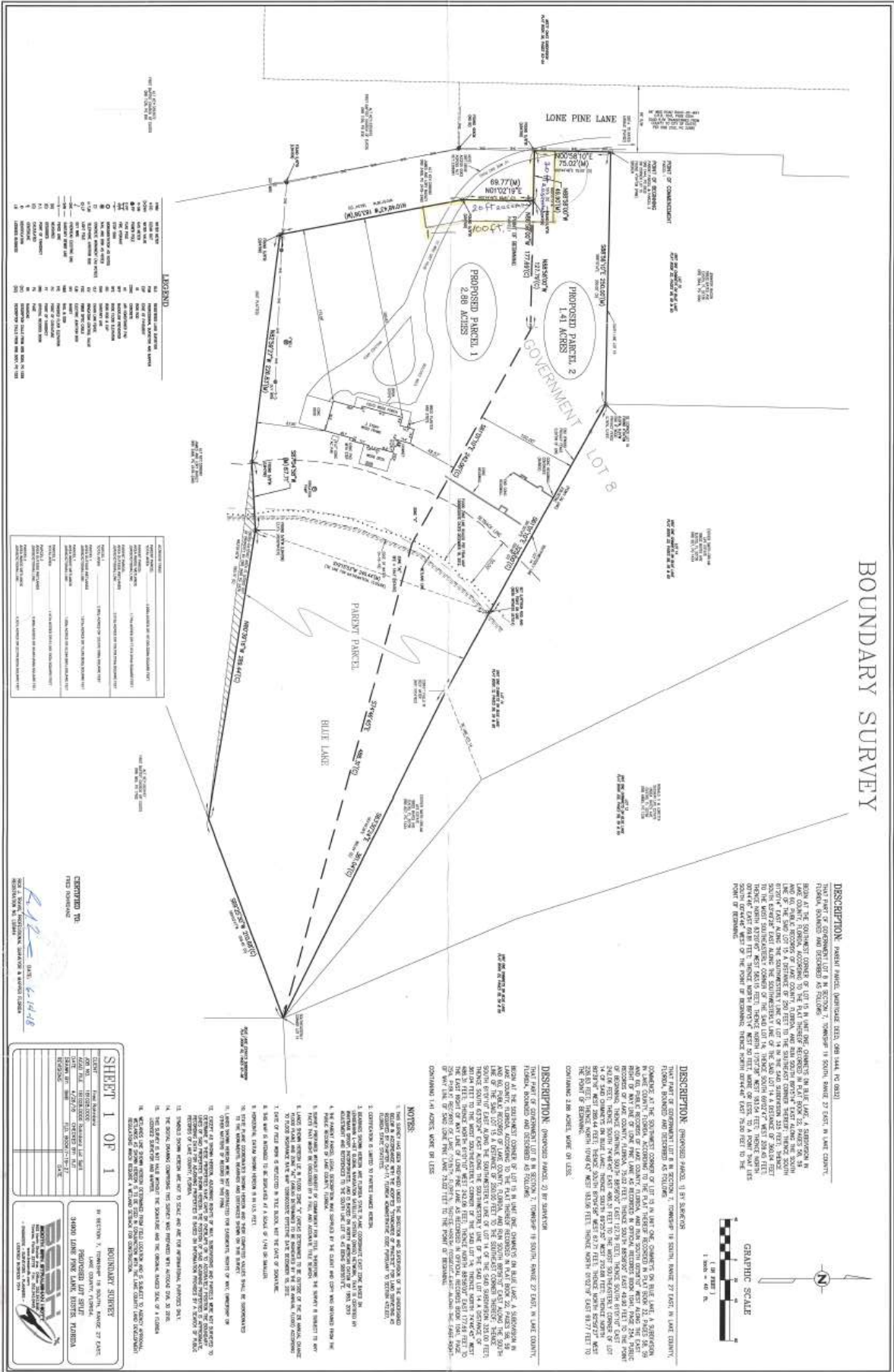
"We have had a new survey done which divided the property into Parcel 1 (2.88 Acres) & Parcel 2 (1.41 Acres). The northeast corner of the property allow us only 75 ft. or we would impede upon another property."

LDR Section 14.15.04, states that for the purposes of this section "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requested the variance. The Applicant has indicated that the second option would be for the Owners to submit for a subdivision plat, require Baker Road to be paved, which would be a financial burden on the Owners and would make it cost prohibitive.

Map of Subject Property



Attachment A. Proposed Lot Split.



**Final Development Order
VAR-19-01-4
Rohrdanz Property**

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

WHEREAS, Frederick C. Rohrdanz and Suan Kirkpatrick Rohrdanz, Co-Trustees of the Frederick C. Rohrdanz and Suan Kirkpatrick Rohrdanz Family Trust (the "Owners" and "Applicants") requested a variance to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1) to allow the creation of two (2) lots from a lot that was created through a previous lot split in 1992; LDR Section 14.11.01(D)(2) to allow the creation of two (2) lots through the minor lot split process which will not front on a publicly maintained paved road; LDR Section 14.11.01(D)(2)(c) to allow the creation of one of a new parcel to front on a twenty (20) foot easement in lieu of a fifty (50) foot easement; and LDR Section 3.10.00 to allow the creation of a new parcel with a minimum road frontage of seventy-five (75) feet in lieu of one hundred (100) feet; and

WHEREAS, the subject property consists of 4.295 +/- acres and is generally located east of Lone Pine Road, west of Blue Lake in the Eustis area, in Section 07, Township 19 South, Range 27 East, having Alternate Key Number 1443016 and more particularly described in Exhibit "A"; and

EXHIBIT A – LEGAL DESCRIPTION

WHEREAS, after giving notice of the hearing on the petition for a variance to the Lake County Land Development Regulations, including notice that the variance would be presented to the Board of Adjustment of Lake County, Florida, on April 11, 2019; 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 11, 2019, 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-19-01-4 to Lake County Land Development Regulations (LDR) Section 14.11.01(D)(1) to allow the creation of two (2) lots from a lot that was created through a previous lot split in 1992; LDR Section 14.11.01(D)(2) to allow the creation of two (2) lots through the minor lot split process which will not front on a publicly maintained paved road; LDR Section 14.11.01(D)(2)(c) to allow the creation of one of a new parcel to front on a twenty (20) foot easement in lieu of a fifty (50) foot easement; and LDR Section 3.10.00 to allow the creation of a new parcel with a minimum road frontage of seventy-five (75) feet in lieu of one hundred (100) feet the following conditions:

1. A minor lot split application must be submitted within six (6) months from the date that this Order is executed.
2. The Owners may have to dedicate the required right-of-way width necessary to meet the minimum design if satisfying the criteria set forth in LDR Section 14.00.08.
3. The lots created out of the parent parcel will not be entitled to another lot split through an administrative process.

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 11th day of April, 2019.

EFFECTIVE April 11, 2019.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Lloyd Atkins, Chairman

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 11th day of April, 2019, by _____, who is personally known to me or who has produced _____, as identification and who did _____ or did not _____ take an oath.

(SEAL)

Notary Public

EXHIBIT A – LEGAL DESCRIPTION

THAT PART OF GOVERNMENT LOT 8 IN SECTION 7, TOWNSHIP 19 SOUTH, RANGE 27 EAST, IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 15 IN UNIT ONE, CHIMNEYS ON BLUE LAKE, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 22, PAGES 58, 59 AND 60, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND RUN SOUTH $89^{\circ}15'14''$ EAST ALONG THE SOUTH LINE OF THE SAID LOT 15 A DISTANCE OF 250 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH $61^{\circ}20'14''$ EAST ALONG THE SOUTHWESTERLY LINE OF THE SAID LOT 14 A DISTANCE OF 360.04 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE SAID LOT 14 THENCE SOUTH $69^{\circ}02'47''$ WEST 825.11 FEET; THENCE NORTH $10^{\circ}57'38''$ WEST 471.66 FEET; THENCE NORTH $0^{\circ}44'46''$ EAST 150 FEET TO THE POINT OF BEGINNING.