

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

NOVEMBER 2, 2021

Location: 0 Waterville Road; Black Hammock Island

Real Estate Number(s): 159665-0500

Waiver Sought: Reduce Required Minimum Road Frontage from 160 feet to 0 feet.

Present Zoning: Residential Rural-Acre (RR-Acre)

Current Land Use Category: Rural Residential (RR)

Planning District: North, District 6

Owner/Agent: Powerhouse Equities, Inc.
411 Walnut Street, #13576
Green Cove Springs, Florida 32043

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-701**(WRF-21-16) seeks to reduce the required minimum road frontage from 160 feet to 0 feet for construction of two single family dwellings in the Residential Rural-Acre (RR-Acre) Zoning District on 2+ acres. In 1972, the subject property and all the lots north and west of Waterville Road were all Block 4. In the 1990s Block 4 was platted, each lot ranged in size from 1 acre to 3 acres, in compliance with the RR zoning district. The current owner of the subject property, Powerhouse Equities Inc. (Todd & Denise Ann Roy), bought Parcels RE# 159665-0500 & 159665-0480 in May 2018.

The applicant states in their application that the lots were redrawn in January 2021, leaving RE# 159665-0500 with no road frontage providing RE# 159665-0480 with approximately 245 feet of frontage. The owners of the subject properties are proposing to divide parcel RE#159665-0500 into two lots (Tract 2A & 2B, on survey) utilizing a 25 feet easement on the western side of parcel RE# 159665-0480 to gain access to Waterville Road. Tract 2A will have 67.44 feet of frontage along the easement and Tract 2B will have 99.8 feet of frontage along the easement. The subject property is currently vacant and the applicant has plans to build two single-family dwellings on the property if approved.

The following conditions are present on and around the subject property:

- Abuts the SMA Aquatic Preserve
- Approximately half of the property is within the Costal High Hazard Area
- The entirety of the property is within the AE Flood Zone
- Approximately a quarter of the property is designated wetland

In 2018, the property owners obtained permits L-18-970582 and L-18-970585 to perform a site clearing on the two lots (RE# 159665-0500 & 159665-0480) indicating it would be to build a single family home on each lot.

According to the provided survey, dated November 22, 2020 and signed by Stephen W Crews, a Florida licensed surveyor and mapper, the proposed lot split of Parcel RE# 159665-0500 meets all standards of the RR-Acre zoning district except for road frontage. Prior to the redrawing of Parcels RE# 159665-0500 & 159665-0480 both lots had enough frontage, area, and width to build two single family homes. After redrawing the parcels, the property owners intentionally violated the minimum road frontage requirement in order to turn two (2) platted lots into four (4) lots; leaving two (2) proposed lots without the required road frontage.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *waiver* means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section 656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are granted by the City Council pursuant to the criteria set forth in Section 656.133 of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

- (i) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

No. The subject property has no direct access to Waterville Road. The subject property was redrawn from its original plat causing it to lose its road frontage and making it nonconforming to current code. The property owner is trying to fit four single-family homes on two platted lots by circumventing the road frontage requirement for two lots. This is a self-imposed hardship. The owners bought two lots that met code to allow for two single family homes and now have disrupted the plat of their lots in order to squeeze in two more lots/homes. There is no competent, substantial evidence demonstrating a practical or economic difficulty in complying with Section 656.407 of the Zoning Code.

- (ii) *Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?*

No. This request is not based exclusively upon the desire to reduce the coast of developing the site or Chapter 654. This request however, is a self-imposed hardship to create a higher density and more homes on two platted lots. The owners do not initially violate Chapter 654 because they are proposing one lot be divided into two which does not meet the definition of a subdivision. However, the owners are attempting to turn two (2) platted lots into a net two (2) lots.

- (iii) *Will the proposed waiver substantially diminish property values in, or alter the essential character of, the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?*

Yes. The proposed waiver will allow the property owner to be able to build two single family dwelling on lots that do not provide adequate road frontage, which all the properties on Black Hammock Island meet. This section of Block 4 contained two platted lots in the 1990s which would allow for two single family homes because it met the RR-Acre zoning district requirement and this request would allow for a total of four (4) dwellings creating a higher density than what was intended when it was platted. Developed homes on black hammock island meet and exceed the minimum requirements for RR-Acre; 100 feet wide; 1 acre; and 80 feet of road frontage. Most homes are situated on more than 1.5 acres and have well over 100 feet of road frontage. Allowing two (2) additional lots on the island without road frontage is not representative of the character of that area.

- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

Yes. The legal description included in the application contains language of a 25 foot easement for ingress and egress from Waterville Road via the western portion of "Tract 1A" which is part of Parcel RE# 159665-0480. Waterville is considered a Public Maintained roadway platted at 60 feet wide but only developed to approximately 15-20 feet wide. While the road has a public maintained status, the actual road width is of concern by Staff. The developed 15-20 feet makes traffic in and out of the community difficult and cumbersome. Adding density to the island is not in the best interest of the community when there is still an abundance of undeveloped lots that meet all requirements of the zoning code.

- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law?*

Yes. The Planning and Development Department has concerns that the waiver will create a public health, safety, and welfare concern in that the complete lack of approved road frontage may make finding the lot difficult for fire, rescue, and public services. In addition to this concern, the added density to an area that was appropriately platted in the 1990s, meeting the codes from the RR-Acre zoning district for two homes on two lots would now allow four homes on two platted lots (totaling four lots if approved). Access

November 2, 2021

may be very difficult for larger vehicles such as fire trucks, solid waste trucks, and construction vehicles. Furthermore, the development of residences using easements will result in a lack of continuity of development on Black Hammock Island and set a precedence for dividing substantial lots into lots lacking adequate road frontage when it historically did, thus supporting self-imposed hardships.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 7, 2021 by the Planning and Development Department the required Notice of Public Hearing sign **was** posted. Staff moved the sign from its original spot. The sign was not easily visible from the right of way and set into the property over 20 feet.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-701 (WRF-21-16)** be **DENIED**.



Aerial



Subject Property

Date: October 7, 2021

Source: COJ Planning & Development Department



Property to the east: Tract 1A & 1B

Date: October 7, 2021

Source: COJ Planning & Development Department



Waterville Road

Date: October 7, 2021

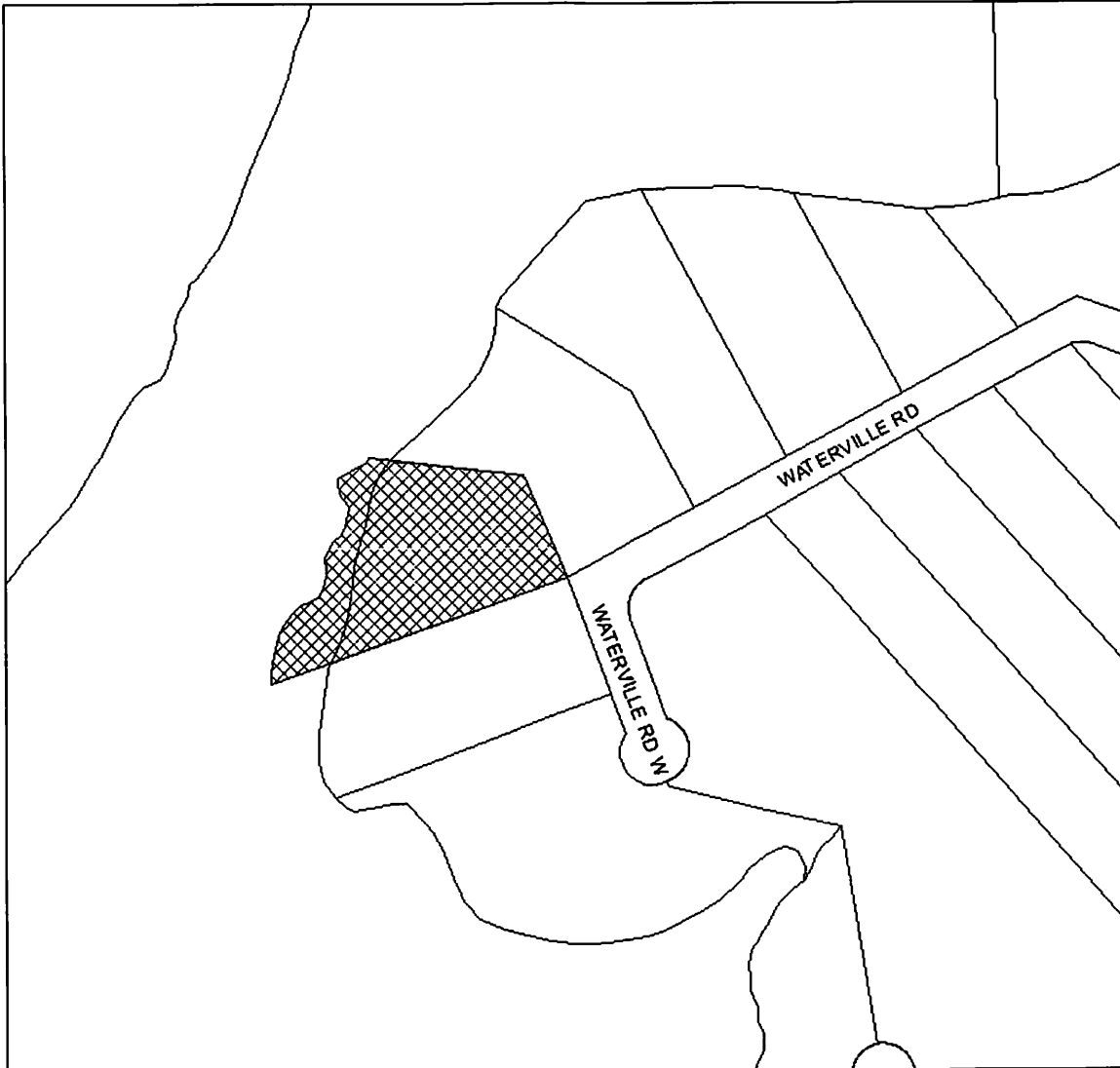
Source: COJ Planning & Development Department

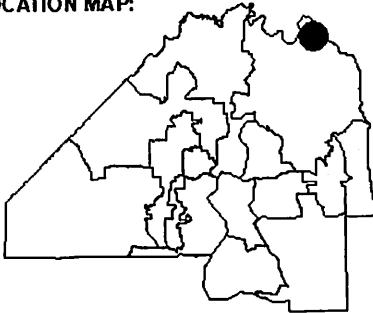



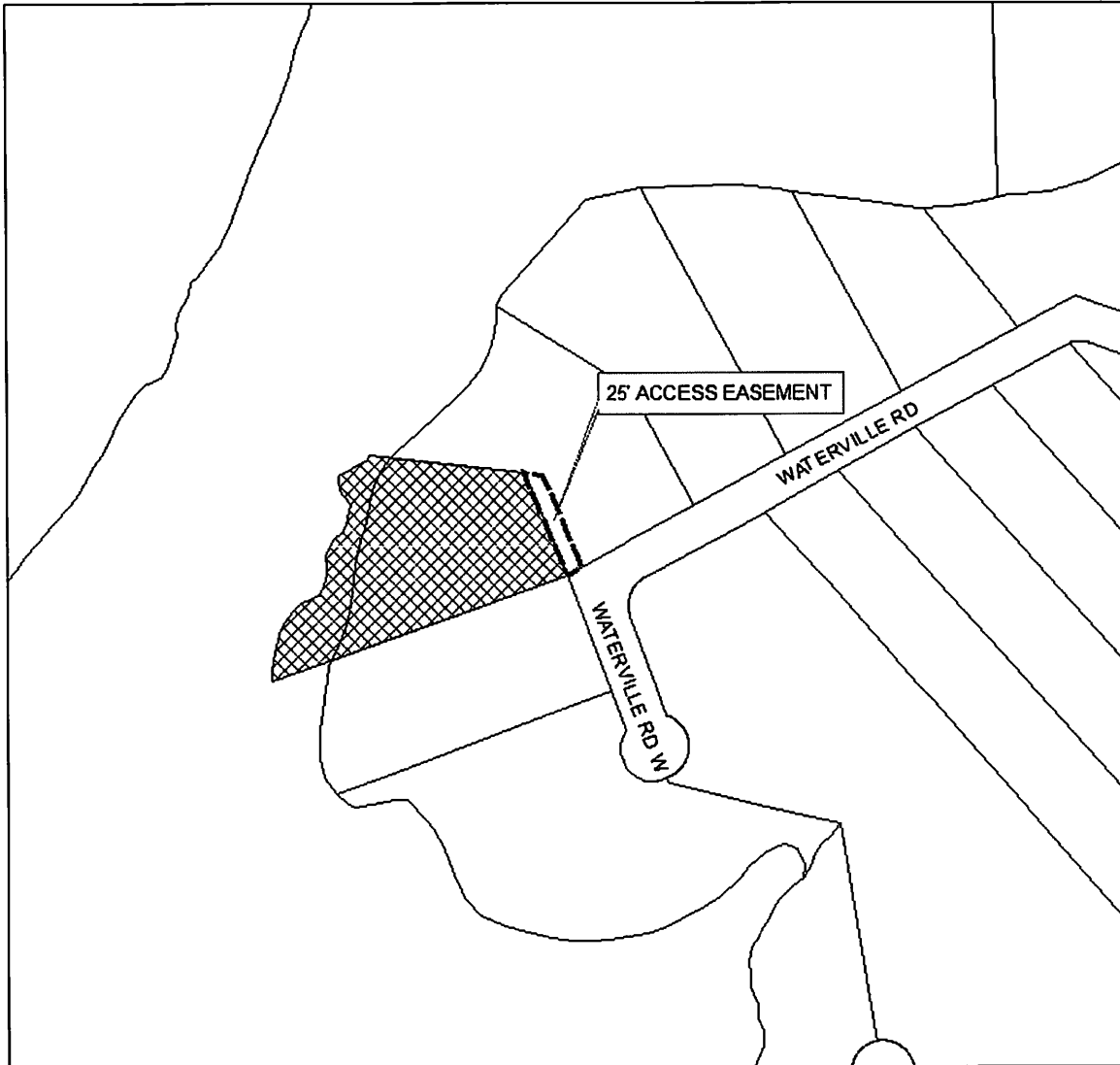
Property to the south: 15501 Waterville Road-SFD

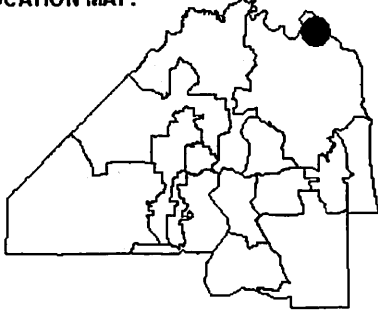


Date: October 7, 2021

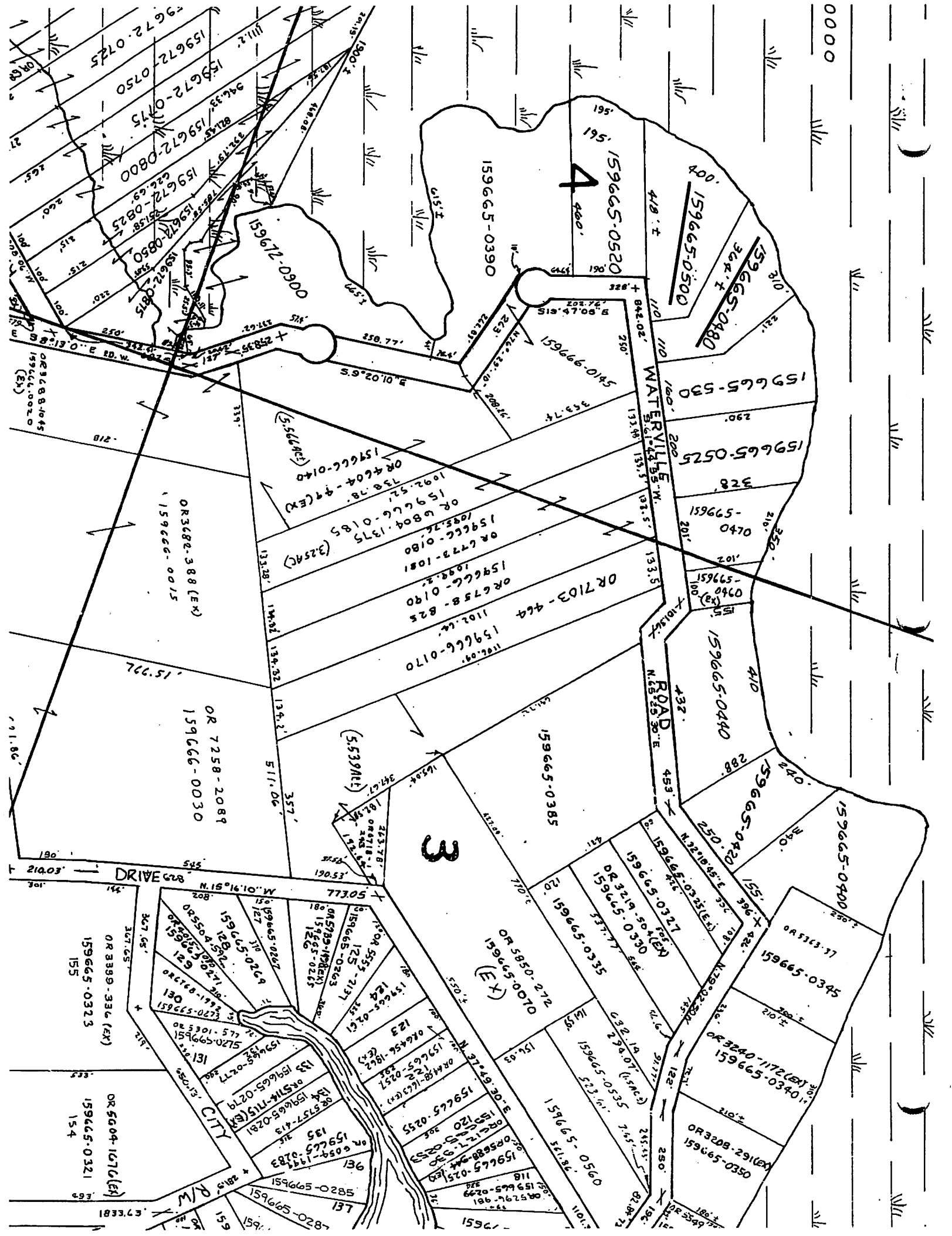
Source: COJ Planning & Development Department



<p>REQUEST SOUGHT:</p> <p>REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 160' TO 0'</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0701</p>	<p>TRACKING NUMBER</p> <p>WRF-21-16</p>	<p>0 80 160 320</p> <p>Feet</p> <p>COUNCIL DISTRICT:</p> <p>2</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>



<p>REQUEST SOUGHT:</p> <p>REDUCTION IN ROAD FRONTAGE FROM 80 FEET TO 0 FEET</p>	<p>LOCATION MAP:</p> 	  <p>0 80 160 320 Feet</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0701</p>	<p>TRACKING NUMBER</p> <p>WRF-21-16</p>	<p>COUNCIL DISTRICT:</p> <p>2</p> <p>EXHIBIT 3 PAGE 1 OF 1</p>



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159665-0520
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159665-0500
4.187

159665-0480
3.627

159665-0390

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159672-0725
159672-0800
159672-0850
159672-0825
159672-0875
159672-0850
159672-0815

159672-0900

WATERVILLE W.M.

ROAD N. 62 S. 30 E

CITY DRIVE

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OR 3389-336 (EX)
159665-0323
155

OR 5004-1676 (EX)
159665-0321
154

OR 3240-1172 (EX)
159665-0340

OR 3208-2916 (EX)
159665-0350

OR 3219-5042 (EX)
159665-0330

OR 3249-3000 (EX)
159665-0255

OR 5850-272
159665-0070 (EX)

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159665-0255

Date Submitted: 07/08/21
 Date Filed: 9/1/21

Application Number: WRF-21-16
 Public Hearing:

Application for Waiver of Minimum Required Road Frontage
 City of Jacksonville, Florida
 Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District:	RR ACRE	Current Land Use Category: RR
Council District:	2	Planning District: 6
Previous Zoning Applications Filed (provide application numbers): N/A		
Applicable Section of Ordinance Code: 056.304 (1)(d)		
Notice of Violation(s): N/A		
Neighborhood Associations: M+M DAIRY INC, THE EDEN GROUP INC, NPS TIMUCUAN ECOLOGICAL HISTORICAL PRES		
Overlay: BLACK HAMMOCK ISLAND		
LUZ Public Hearing Date:	4	City Council Public Hearing Date:
Number of Signs to Post:	1	Amount of Fee: \$1,210.00
		Zoning Asst. Initials: JA

PROPERTY INFORMATION	
1. Complete Property Address: "0" Waterville Road Tract 2A and 2B	2. Real Estate Number: 159665 0500
3. Land Area (Acres): 2+ Acres (1 Acre Each)	4. Date Lot was Recorded: 1/29/2021
5. Property Located Between Streets: Red Bass Dr. turn left on Waterville Road	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from [redacted] feet to [redacted]	
8. In whose name will the Waiver be granted? Powerhouse Equities, Inc. 160' — 0'	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Powerhouse Equities, Inc.	10. E-mail: Todd@thermalnavigator.com
11. Address (including city, state, zip): 411 Walnut Street #13576 Green Cove Springs, FL 32043	12. Preferred Telephone: 787-600-9065

APPLICANT'S INFORMATION (if different from owner)	
13. Name:	14. E-mail:
15. Address (including city, state, zip):	16. Preferred Telephone:

CRITERIA
<p>Section 656.101(I), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."</p> <p>Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:</p> <ul style="list-style-type: none"> i. <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i> ii. <i>The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);</i> iii. <i>The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;</i> iv. <i>There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street;</i> v. <i>The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.</i>

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

The Subject Property, Tracts 2A and 2B, are both more than one acre each, and each supports the ability for a Single Family Residence to meet all other setbacks (Front 25', Side 10', and Rear 10') in Rural Residential Zoning. These lots being more than an acre each also exceed the land area of many lots on the island.

There is only one home after this property, and then a Cul-de-sac. The 2 lane roadway currently services about 2 round trips per day, so the traffic is negligible and does not present any safety hazards, as traffic is extremely below road servicing ability.

The Waiver sought would allow full use of the two 1 acre lots as intended, single family residences. In addition, the use of the Easement to access the lots would keep current street drainage in place and not create needless re-routing that could change current working drainage.

Underground utilities (Electric and Cable) are already in place to service the properties.

Attempts to vary the lots to create more frontage were explored privately with engineers and publicly. All efforts created more pavement, re-routing of utilities, re-routing of drainage, and requirement of deeding more right-of-way land to the City, which the City did not appear to want. The City would then be responsible for more maintenance that wasn't necessary in the first place.

This property is at the end of a road, at the end of an island. Simply put, it makes sense to utilize the Easement in order to access the two lots, as opposed to changing the existing environment.

MAP OF

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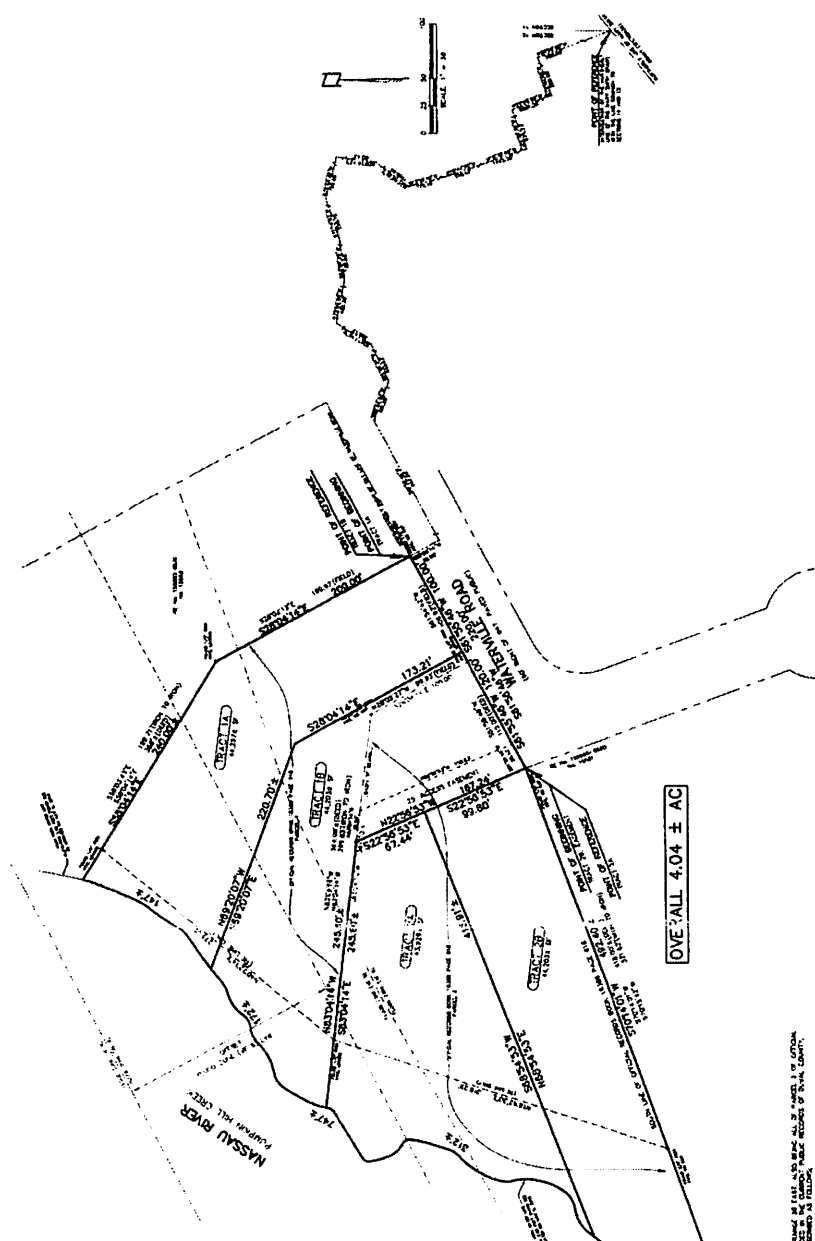
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BY ORDER OF THE SURVEYOR, I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL COPY OF THE MAP AS FILED IN THE PUBLIC RECORDS OF FLORIDA COUNTY, JACKSONVILLE, FLORIDA, AND IS NOT TO BE CONSIDERED A SUBSTITUTE FOR THE ORIGINAL COPY.

STANLEY W. COOKS, P.S.M.
FLORIDA L.C. SURVEYOR and MAPPER No. LS 5989
FLORIDA L.C. SURVEYING & MAPPING BUSINESS INC. 10 317
1000 BOY AND DOUGLASS AVE. BOSTON, MA 02118

FILE: JPT-109 DRAWN BY: G.S.
CHECKED BY: _____
DATE: 12/15/2011 SHEET 1 OF 1
BOATWRIGHT LAND SURVEYORS, INC. 1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA
DATE: 12/15/2011 SHEET 1 OF 1
3/24/11-0350