

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2021-542 (WRF-21-10)

SEPTEMBER 21, 2021

Location: 0 Gerona Drive North

Real Estate Number(s): 166872-0020

Waiver Sought: Reduce Minimum Required Road Frontage from 96 Feet to 0 Feet

Present Zoning: Residential Low Density-60 (RLD-60)

Current Land Use Category: Low Density Residential (LDR)

Planning District: 2, Greater Arlington/Beaches

Owner: John Kowkabany
OMKO, Inc.
1506 Prudential Drive, 2nd floor
Jacksonville, Florida 32207

Ana Ferras Investor, LLC
1656 Debutante Drive
Jacksonville, Florida 32246

Applicant: Billy Gause
BGRP Engineering Group
P.O. Box 684
Crystal River, Florida 34423

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-542 (WRF-21-10)** seeks to reduce the required minimum road frontage from 96 feet to 0 feet for a proposed residence. The subject property is the west half of Lot 8 in the Golden Glades Plat from 1951. Earlier this year Lot 8, which was 150 feet in width, was split into an eastern and western portion, which removed the Lot of Record status and necessitates the requirement for a waiver. Lot 8 is at the western terminus of an unimproved right of way.

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?*

Yes. The subject parcel meets the minimum lot area and width of the zoning district, it fronts on an unimproved Gerona Drive North right of way. The owner would need to construct a road to City standards to meet the road frontage requirement.

- (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)?*

Yes. The waiver of road frontage, if granted, will reduce the cost of constructing a City approved road. As mentioned earlier, the lot was split this year, which removed its lot of record status. Approval of the requested Waiver will encourage the pattern of dividing the platted lots along Gerona Drive North and creating a de facto subdivision without adequate provision for access via an approved public or private road, effectively circumventing Chapter 654 (*Code of Subdivision Regulations*) as well as Section 656.407 (*Lot to have access*) of the Zoning Code.

- (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. While the proposed waiver will allow the property owner to construct a single family home on a lot that meets the minimum standards of the zoning district, the lot will be half the size of the other lots on Gerona Drive North, which have not been subdivided. The lack the development standards required by the Code of Subdivision Regulations, such as approved roads, and storm water retention will likely diminish property values or alter the character of the area surrounding the subject parcel.

- (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?*

No. The lot has frontage on Gerona Drive North, which is an unimproved right of way. Gerona Drive North has not been granted approved private road status by the Department of Public Works, and the existing pavement in the right of way stops 0.42 miles before the lot.

- (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. Access may be very difficult for larger vehicles such as fire trucks and solid waste trucks. Furthermore, the expectation that continued lot splits in the area will result in the creation of a de facto subdivision lacking continuity of development and lacking city-approved roads, drainage, and sidewalks.

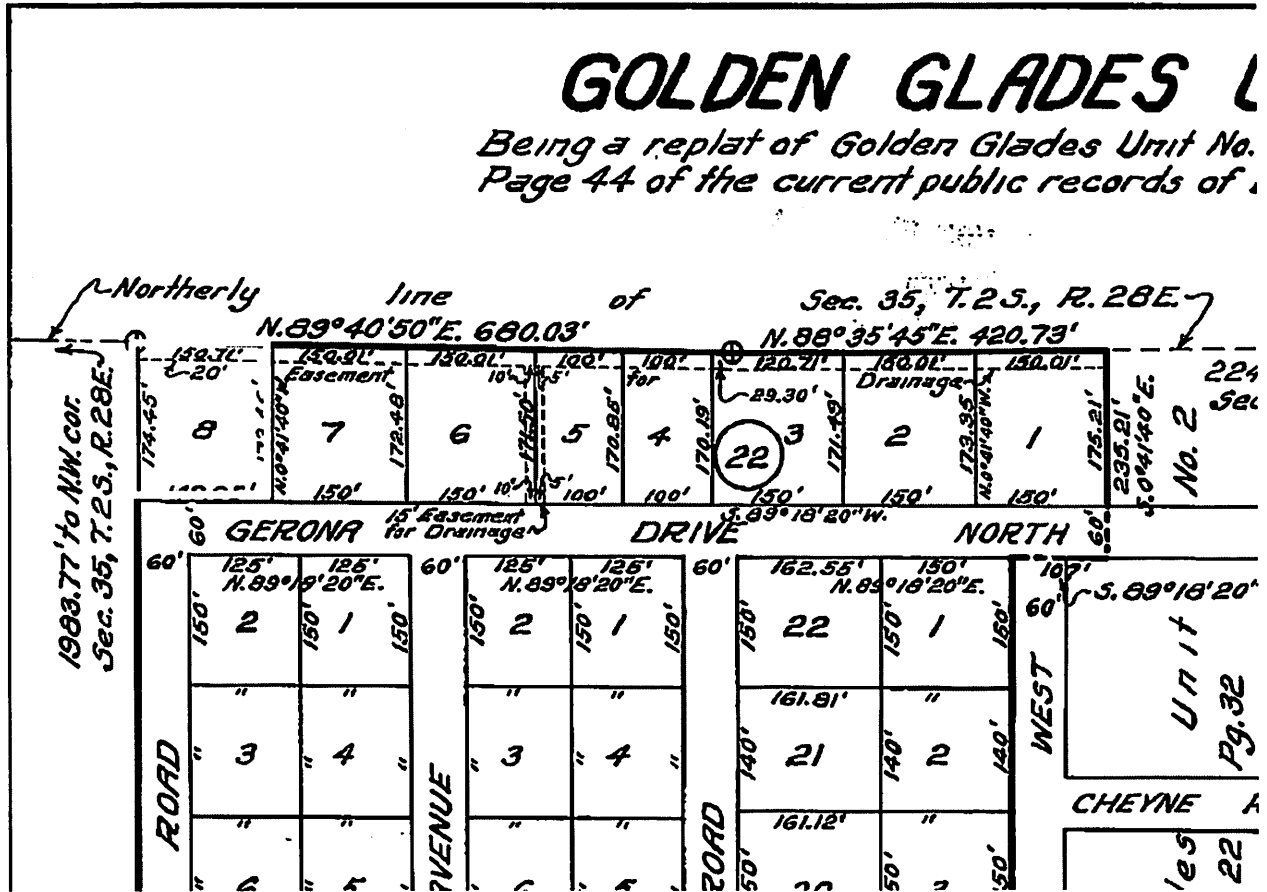
SUPPLEMENTARY INFORMATION

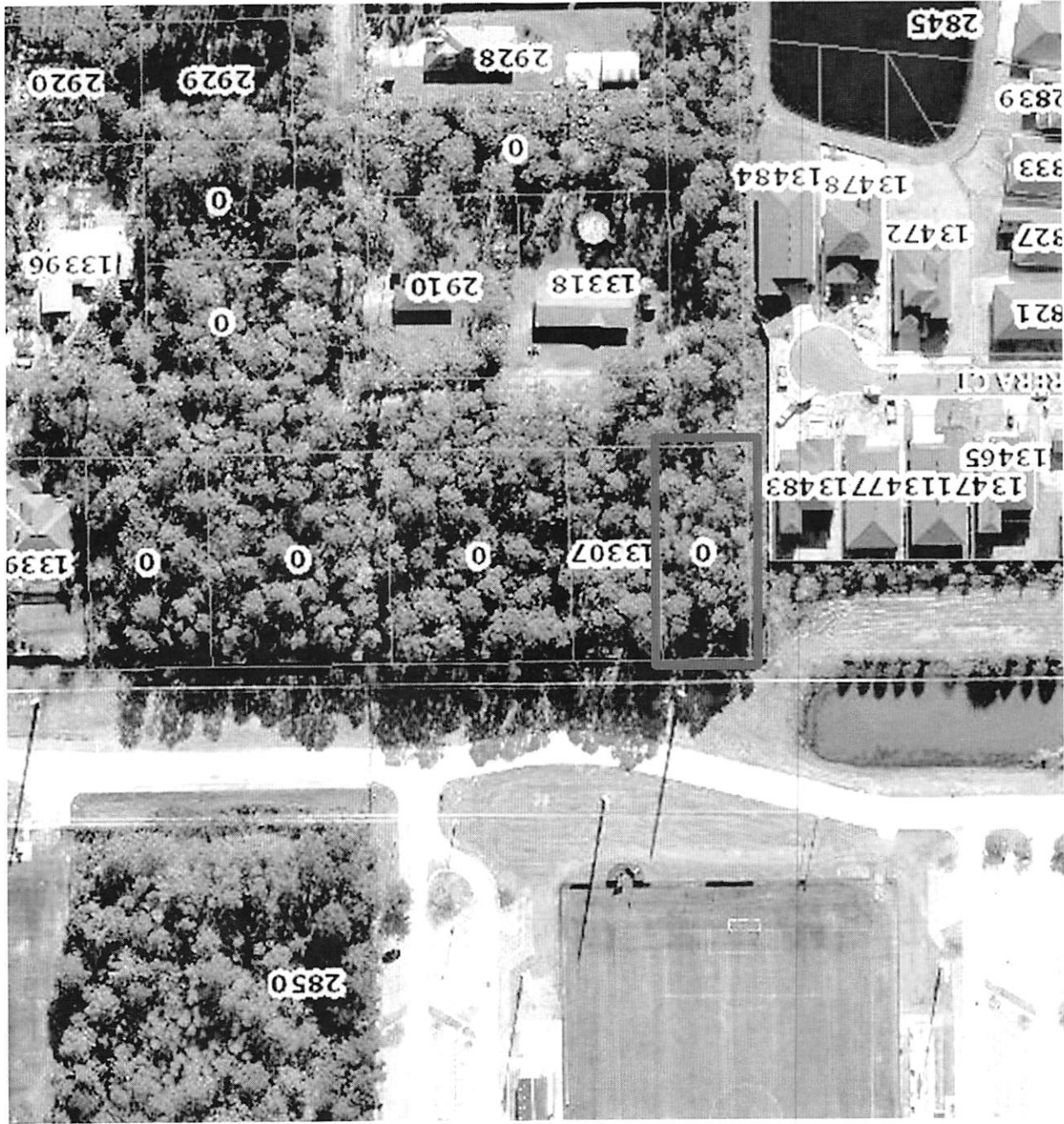
On September 2, 2021, the Planning and Development Department attempted a visual inspection of the property to determine if the required Notice of Public Hearing sign was posted. However Gerona Drive North is a private road.



RECOMMENDATION

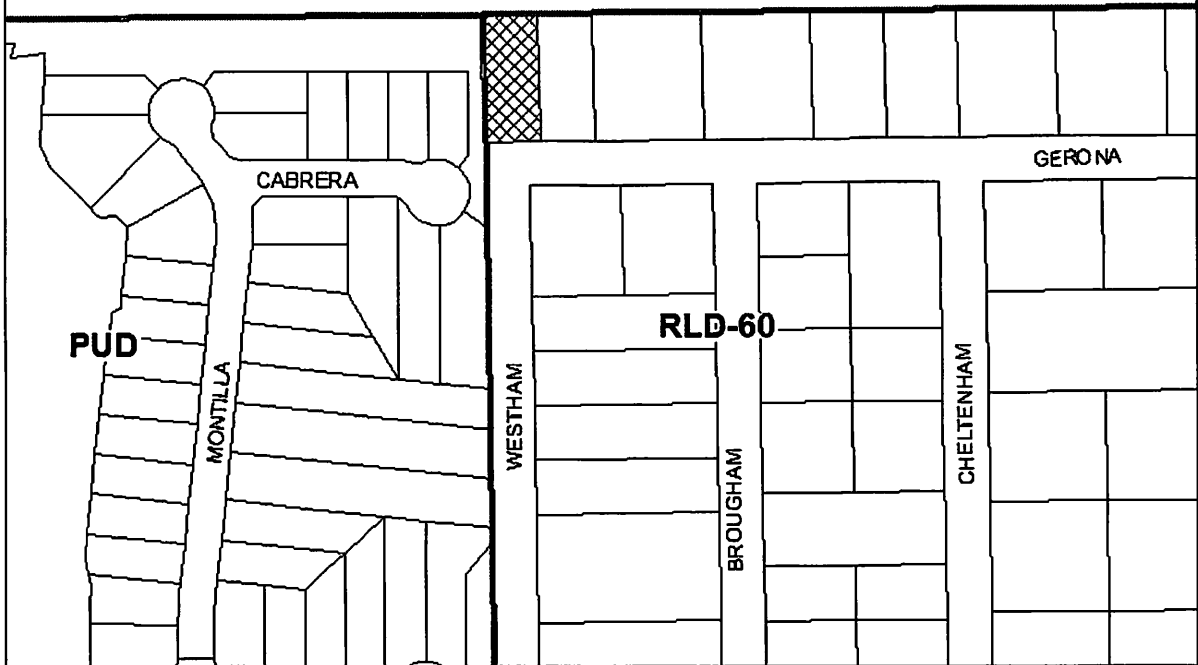
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2021-542 (WRF-21-10) be DENIED.





Aerial view of subject property

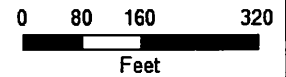
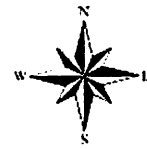
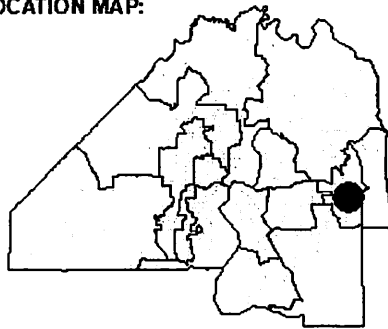
PBF-1



REQUEST SOUGHT:

**REDUCE FRONTAGE FROM 96
FEET TO 0 FEET FOR TWO
LOTS**

LOCATION MAP:



COUNCIL DISTRICT:

3

TRACKING NUMBER

WRF-21-10

**EXHIBIT 2
PAGE 1 OF 1**

Date Submitted:	6/23/21
Date Filed:	7-1-21

Application Number:	WRF-21-10
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:	RLD-40	Current Land Use Category: LDR
Council District:	3	Planning District: 2
Previous Zoning Applications Filed (provide application numbers): ∅		
Applicable Section of Ordinance Code: 054-305 / 056.407		
Notice of Violation(s): ∅		
Neighborhood Associations: West Beaches Community, Golden Glades, Greater Arlington		
Overlay: ∅		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee:	Zoning Asst. Initials:
1	1329.00	JA

PROPERTY INFORMATION	
1. Complete Property Address: 0 GERONA DRN.	2. Real Estate Number: 146872-0020
3. Land Area (Acres): .30	4. Date Lot was Recorded:
5. Property Located Between Streets:	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. Waiver Sought: We are not seeking a Waiver for any reduction as the Lot is already 75' wide. Reduce Required Minimum Road Frontage from 96' feet to 0' feet. (2 lots)	
8. In whose name will the Waiver be granted? Omko, Inc.	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: DMKO, Inc	10. E-mail: TANA@AMIRCOLL.COM
11. Address (including city, state, zip): 1506 PRUDENTIAL DR. 2ND FLOOR JACKSONVILLE, FL 32207	12. Preferred Telephone: 904-864-0311

APPLICANT'S INFORMATION (if different from owner)	
13. Name: BGRP ENGINEERING GROUP	14. E-mail: projects@bgrpengineering.com
15. Address (including city, state, zip): PO Box 684 Crystal River, FL 34423	16. Preferred Telephone: 904-368-6969

CRITERIA
<p>Section 656.101(l), 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.

This parcel was purchased with the intent and understanding of buildability for (1) Sngl Fam Res. The COJ, Sean Kelly, has advised that the parcel is required to get a Waiver of Minimum required Road Frontage due to it being Split from the original Lot of Record in 2020. The Lot currently has 75' of roadway Frontage in RLD-60 Zoning. The COJ cites that this parcel, among (8) others is on an unmaintained City ROW and therefore requires a Waiver to build. The parcel exceeds the minimum required 6,000 S.F. and 60' L.F. of frontage for RLD-60 Zoning.

©Columbia, Inc.

ATTACHMENTS

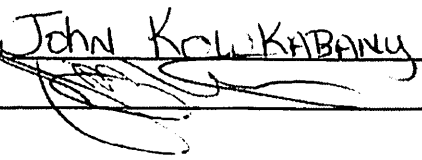
The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coj.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- Proof of valid and effective easement for access to the property.

FILING FEES

*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

AUTHORIZATION	
<p>Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.</p> <p>The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.</p> <p><u>I hereby certify that I have read and understand</u> the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.</p>	
<p>Owner(s) Print name: <u>John KOLKABANY</u> Signature: </p>	<p>Applicant or Agent (if different than owner) Print name: <u>Billy Gause, C.P.E.</u> Signature: _____</p> <p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	

SUBMITTAL
<p>This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.</p> <p><u>Submit applications to:</u> Planning and Development Department, Zoning Section 214 North Hogan Street, 2nd Floor Jacksonville, Florida 32202 (904) 255-8300</p>

EXHIBIT 1

Legal Description

22-60 35-2S-28E 0.3 GOLDEN GLADES UNIT NO 3A W 1/2 OF LOT 8 BLK 22

EXHIBIT A

Property Ownership Affidavit - Corporation

Date: 6-2-2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:

Address: OGERONA DR. N. RE#(s): 160872-0020

To Whom it May Concern:

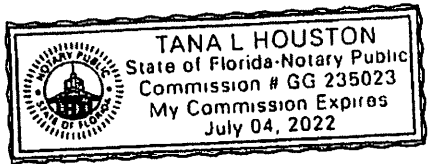
I, John Kowkabanly, as PRESIDENT of OMKO, Inc. a corporation organized under the laws of the state of FLORIDA, hereby certify that said corporation is the Owner of the property described in Exhibit 1 in connection with filing application(s) for REZONING submitted to the Jacksonville Planning and Development Department.

(signature) [Signature]
(print name) JOHN KOWKABANLY

Please provide documentation illustrating that signatory is an authorized representative of the corporation; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 2ND. day of JUNE 2021, by John Kowkabanly, as PRESIDENT of OMKO, Inc., a FLORIDA corporation, who is personally known to me or who has produced _____ as identification and who took an oath.



[Signature]
(Signature of NOTARY PUBLIC)
TANA L. Houston
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____

EXHIBIT B

Agent Authorization - Corporation

Date: 6-2-2021

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: D GERONA DR N. RE#(s): 1668720020

To Whom it May Concern:

You are hereby advised that John Kowkabany, as PRESIDENT of CMKO, INC, a corporation organized under the laws of the state of FLORIDA, hereby authorizes and empowers BGRP ENGINEERING GROUP, LLC to act as agent to file application(s) for All Permits & Applications for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

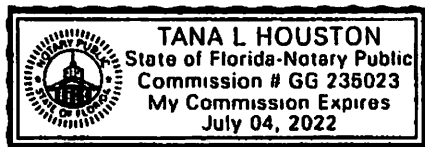
(signature) [Handwritten Signature]
(print name) John Kowkabany

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 2nd day of JUNE 2021, by John Kowkabany, as PRESIDENT, of CMKO, INC., a FLORIDA corporation, who is personally known to me or who has produced _____ as identification and who took an oath.

[Handwritten Signature]
(Signature of NOTARY PUBLIC)

TANA L HOUSTON
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: _____

OMKO INC
1506 PRUDENTIAL DR
JACKSONVILLE, FL 32207

Primary Site Address
0 N GERONA DR
Jacksonville FL 32246

Official Record Book/Page
19568-01313

Title #
8435

0 N GERONA DR

Property Detail

RE #	166872-0020
Tax District	G5
Property Use	0000 Vacant Res < 20 Acres
# of Buildings	0
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	03049 GOLDEN GLADES UNIT 03A
Total Area	13150

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification [Learn how the Property Appraiser's Office values property.](#)

Value Summary

Value Description	2020 Certified	2021 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$0.00	\$36,788.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$0.00	\$36,788.00
Assessed Value	\$0.00	\$36,788.00
Cap Diff/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$0.00	See below

Taxable Values and Exemptions – In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value
No applicable exemptions

SJRWMD/FIND Taxable Value
No applicable exemptions

School Taxable Value
No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
19568-01313	1/5/2021	\$100.00	QC - Quit Claim	Unqualified	Improved
19215-02402	5/21/2020	\$64,000.00	WD - Warranty Deed	Unqualified	Vacant

Extra Features

No data found for this section

Land & Legal

Land

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	0100	RES LD 3-7 UNITS PER AC	RLD-60	75.00	175.00	Common	75.00	Front Footage	\$36,788.00

Legal

LN	Legal Description
1	22-60 35-2S-28E 0.3
2	GOLDEN GLADES UNIT NO 3A
3	W 1/2 OF LOT 8 BLK 22

Buildings

No data found for this section

2020 Notice of Proposed Property Taxes Notice (TRIM Notice)**Property Record Card (PRC)**

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.
No information available

• To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here: [Property Record Card Request](#)

More Information

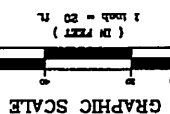
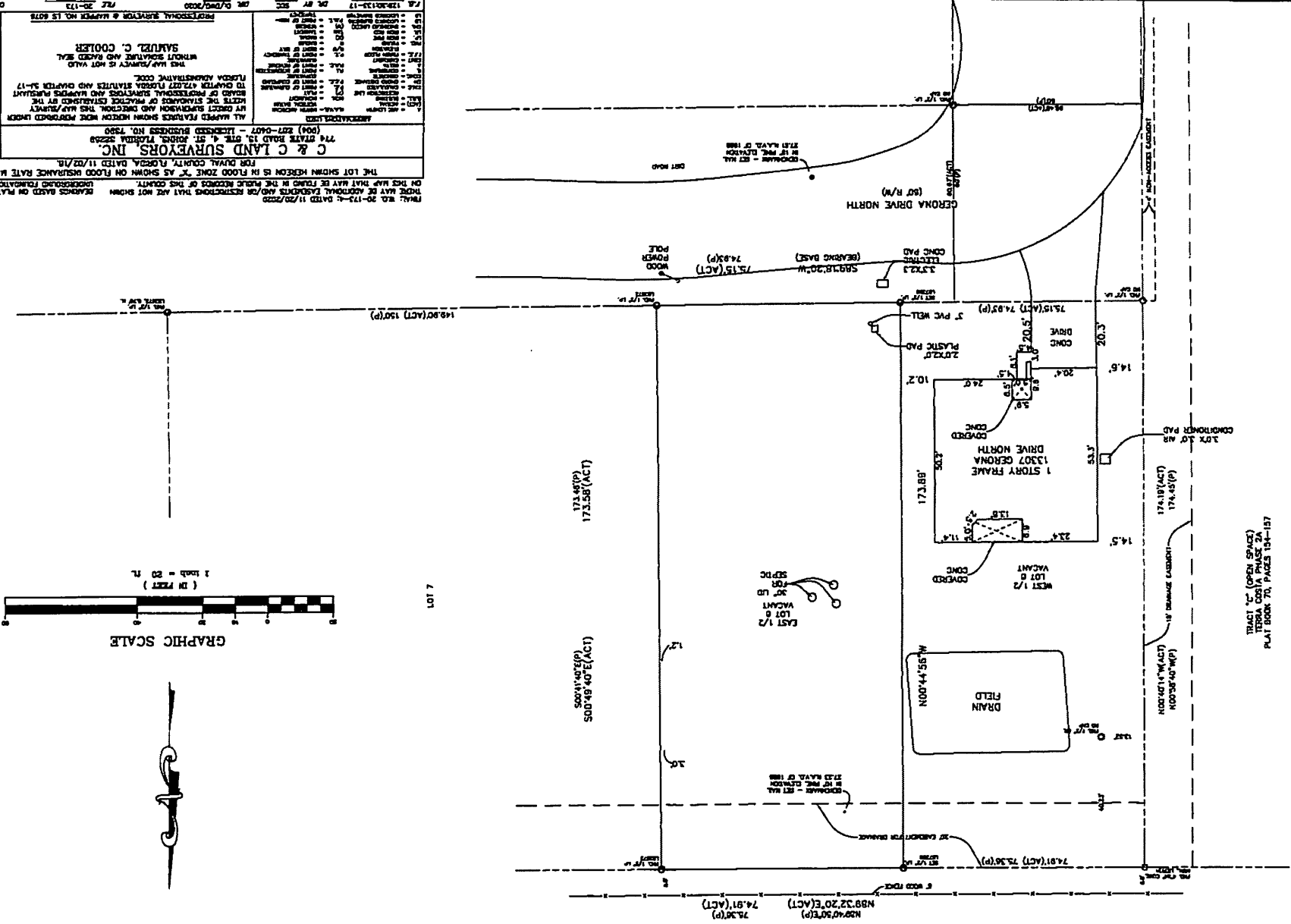
[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)

MAP SHOWING BOUNDARY OF EAST 1/2 OF LOT 8, BLOCK 22, AS SHOWN ON MAP OF GOLDEN GLADES UNIT NO. 3-A AS RECORDED IN PLAT BOOK 22, PAGE 80 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLA CERTIFIED TO: JOSEPH ROBERT MORRELL AND ISA MARIE MORRELL, LANDMARK TITLE

SCALE: 1"=20'

DATE: 11/18/2020

OFFICIAL RECORDS 7146, PAGE 2113



TRAVEL: EA. 20'-173'-L: DATED 11/20/2020
 REASONS BASED ON PLAT AS SHOWN
 THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN.
 UNDERGROUND UTILITIES/TRENCHES NOT LOCATED.

THE LOT SHOWN HEREON IS IN FLOOD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP 12031CH0412L FOR DUVAL COUNTY, FLORIDA, DATED 11/02/18.

C & C LAND SURVEYORS, INC.
 776 STATE ROAD 12, STE. 41, GAITHER, FLORIDA 32220
 (904) 837-0407 - LICENSED BUSINESS NO. 7390

ALL MAPPED FEATURES SHOWN HEREON WERE PERFORMED UNDER
 MY DIRECT SUPERVISION AND DIRECTION, THIS MAP/SURVEY
 KEEPS THE STANDARDS OF PRACTICE ESTABLISHED BY THE
 BOARD OF PROFESSIONAL SURVEYORS AND MAPMONGERS PURSUANT
 TO CHAPTER 473.07, FLORIDA STATUTES AND CHAPTER 34-17,
 FLORIDA ADMINISTRATIVE CODE.

THIS SURVEY/PROJECT IS NOT VALID
 WITHOUT SIGNATURE AND RAISED SEAL
SAVANNA C. COOLIDGE
 PROFESSIONAL SURVEYOR & MAPPER NO. 15,607B

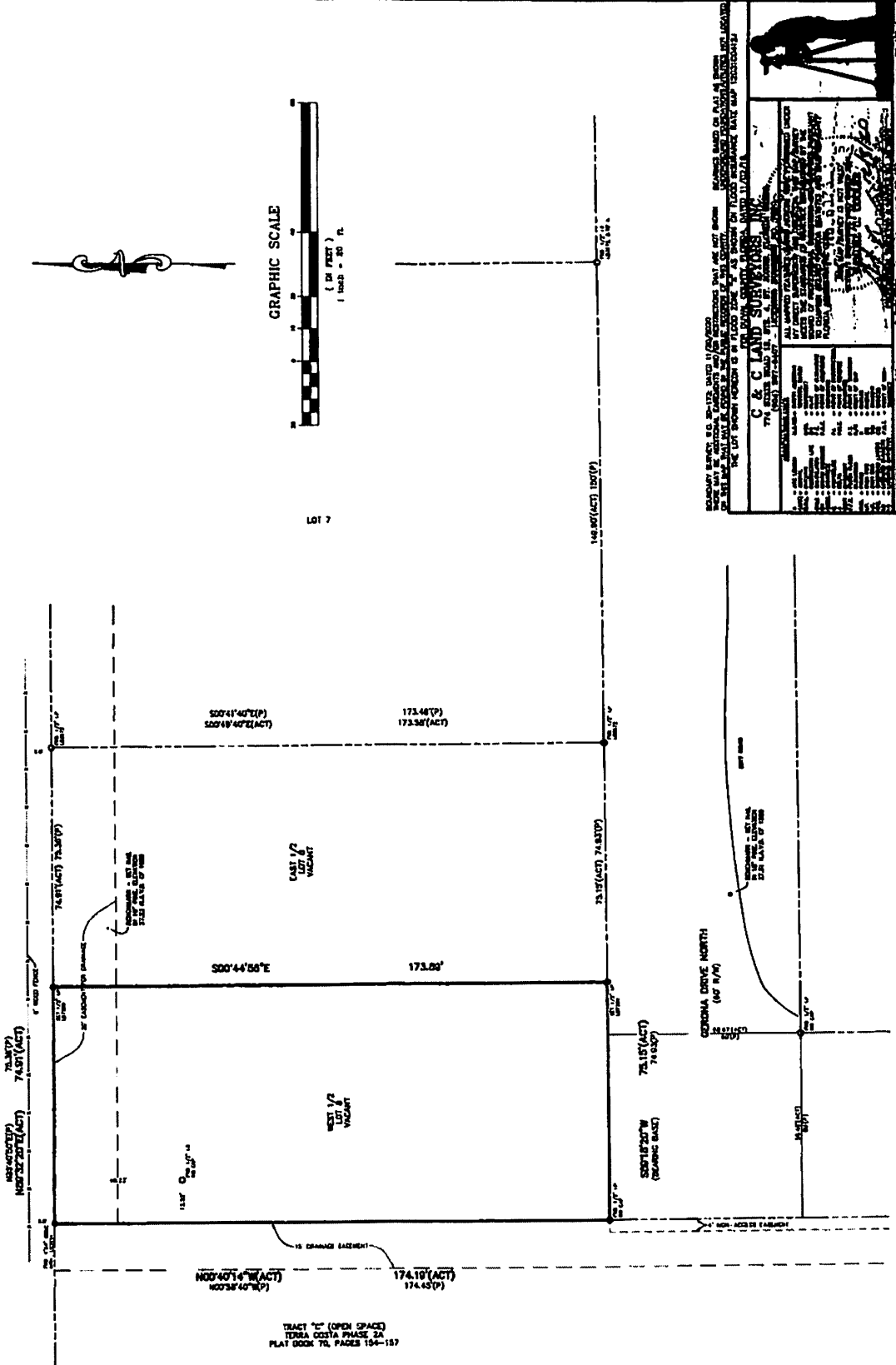
NO.	DATE	BY	DESCRIPTION
1	11/18/2020	JRC	CONC PADS
2	11/18/2020	JRC	SEPTIC
3	11/18/2020	JRC	WELL
4	11/18/2020	JRC	DRAIN FIELD
5	11/18/2020	JRC	FRAME
6	11/18/2020	JRC	BUILDING
7	11/18/2020	JRC	DRIVE
8	11/18/2020	JRC	ROAD
9	11/18/2020	JRC	UTILITY
10	11/18/2020	JRC	BOUNDARY
11	11/18/2020	JRC	AREA
12	11/18/2020	JRC	SETBACK
13	11/18/2020	JRC	SETBACK
14	11/18/2020	JRC	SETBACK
15	11/18/2020	JRC	SETBACK
16	11/18/2020	JRC	SETBACK
17	11/18/2020	JRC	SETBACK
18	11/18/2020	JRC	SETBACK
19	11/18/2020	JRC	SETBACK
20	11/18/2020	JRC	SETBACK

PROFESSIONAL SURVEYOR & MAPPER NO. 15,607B
 JRC
 11/18/2020

MAP SHOWING BOUNDARY OF WEST 1/2 OF LOT 8, BLOCK 22, AS SHOWN ON MAP OF GOLDEN GLADES UNIT NO. 3-A AS RECORDED IN PLAT BOOK 28, PAGE 86 OF THE CURRENT PUBLIC RECORDS OF DUAL COUNTY, FLA. CERTIFIED TO BY LAND, INC.

DATE: 11/19/2020

SCALE: 1"=30'
OFFICIAL RECORDS TRAIL, PAGE 217



C & C LAND SURVEYORS, INC.

701 N. W. 13th Ave, Ft. Lauderdale, FL 33304

ALL MEASUREMENTS MADE BY THE SURVEYOR OR HIS ASSISTANTS IN THE FIELD AND IN THE OFFICE. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY MISTAKES OR OMISSIONS IN THIS SURVEY. THE LOT SHOWS HEREON IS IN FULL PAY AS SHOWN ON PLAT RECORDS. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

NO.	DESCRIPTION
1	Surveyor
2	Assistant
3	Recorder
4	Checker
5	Fieldman
6	Fieldman
7	Fieldman
8	Fieldman
9	Fieldman
10	Fieldman