

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2023-545 (WRF-23-02)

OCTOBER 3, 2023

Location: 0 Gerona Drive North

Real Estate Number(s): 166872-0020

Waiver Sought: Reduce Minimum Required Road Frontage from 48 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

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 2023-545** (WRF-23-02) seeks to reduce the required minimum road frontage from 48 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. In 2021, 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.

A previous application for the same property, Ordinance 2021-542 (WRF-21-10), was denied by City Council.

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. Although the subject parcel meets the minimum lot area and width of the zoning district, it fronts on Gerona Drive North, which is a “Public Unmaintained”. The owner would need to construct a road to City standards to meet the road frontage requirement. This is a self-imposed hardship as Lot 8 was approved for one single family dwelling, then split. (B-20-305326).

- (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 in 2021, 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 a “Public Unmaintained”. 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. Additionally, the property is on well and septic which requires ½ acre pursuant to the 2045 Comprehensive Plan.

SUPPLEMENTARY INFORMATION

Staff attempted a visual inspection of the subject property on September 22, 2023. The sign indicated the road was private. The required Notice of Public Hearing sign **was not visible**.



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 2023-545 (WRF-23-02)** be **DENIED**.



Aerial view of subject property

