

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2023-0713 (WRF-23-19)

NOVEMBER 21, 2023

Location: 12751 Shims Road,
Between Scarwin Lane and Sapp Road

Real Estate Number(s): 106929 0110

Waiver Sought: Reduce the minimum required road frontage from 80 feet to zero (0) feet

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: North, District 6

Applicant/Owner: Kerry W. Penn
12751 Shims Road
Jacksonville, FL 32226

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2023-0713 (WRF-23-19)** seeks to reduce the required minimum road frontage from 80 feet to 0 feet in order to allow for the development of a single-family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District.

Per Part 4 of the Zoning Code (Sec.656.407), no dwelling or dwellings may be constructed on a lot in a residential zoning district unless the lot has frontage on a public or approved private street equal to not less than 80 percent of the minimum lot width.

The subject property is 2.29 acres in size and has 182 feet of frontage on Shims Road, a public right of way. The applicant is seeking to split the lot into two lots, with the western lot having frontage along Shims Road and the eastern lot utilizing a 30-foot access easement. There is an existing house built in 1996 located near the eastern property boundary. While the lot has sufficient road frontage to accommodate two homes, the configuration of the lot split would require relief

from the Zoning Code, whether it is through a waiver of road frontage or an administrative deviation.

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 2.29 acre property meets the RR-Acre Zoning District requirements in order to build one additional single family dwelling, except for the minimum road frontage. The subject property fronts Shims Road, which is a public right of way. Given the configuration of the proposed lot split, the property owner would need relief from the Zoning Code to build a second dwelling.

- (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. The applicant is proposing to construct a single-family dwelling on the site and approval of this request would not change the cost burden on the applicant for the construction of the single-family dwelling. It is not anticipated that the applicant will need relief from any of the requirements of Chapter 654 of the Municipal 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?***

No. The waiver would permit a new single family dwelling to be constructed. It is not anticipated that the construction of the new dwelling will reduce the property values of the neighboring lots, nor would it interfere with the rights of other homeowners. There are a diverse number of lots of varying sizes and shapes in the surrounding 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. There is a 30 foot wide access easement on the property which connects to Shims Road, a public right of way.

- (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?*

No. The proposed easement will provide adequate access to the subject property. The applicant has been using a crushed asphalt driveway to access the existing house on the eastern portion of the lot. According to the applicant, that driveway will be shared between both of the proposed properties. There is no detriment to the public health, safety, or welfare, and the development will comply with all other requirements of the Zoning Code.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on November 13, 2023 by the Planning and Development Department, the required Notice of Public Hearing sign was posted.



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 2023-0713 (WRF-23-19)** be **APPROVED**.



Source: Planning and Development Department, 11/13/2023
Aerial view of the subject property, facing north.



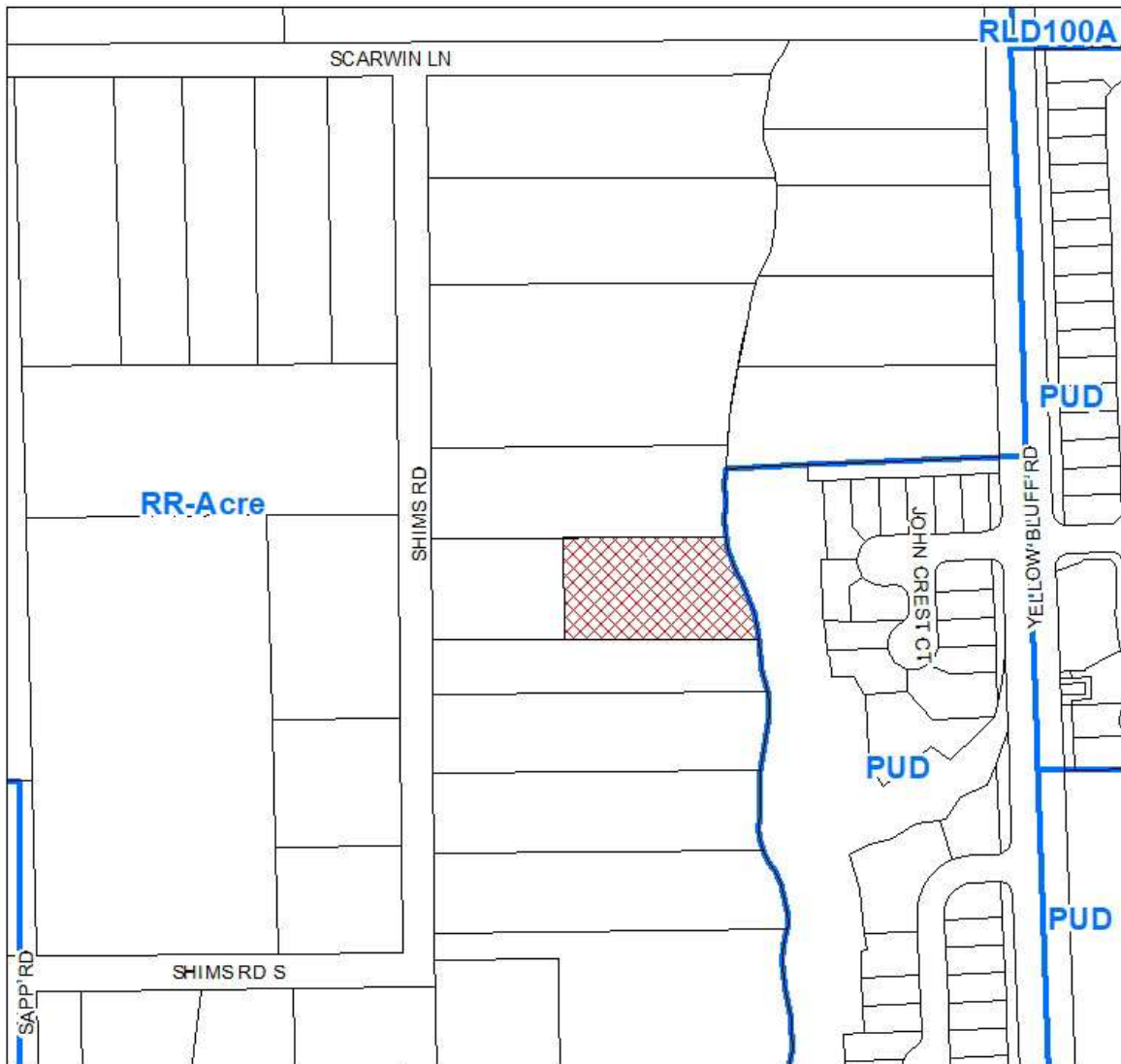
Source: Planning and Development Department, 11/13/2023

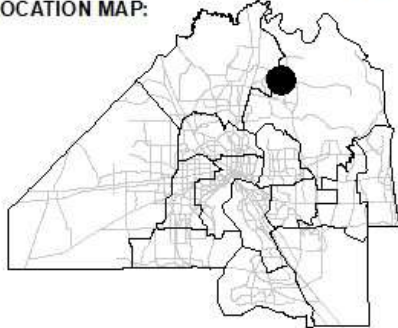

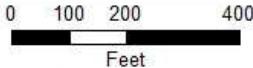
View of the subject property from Shims Road.

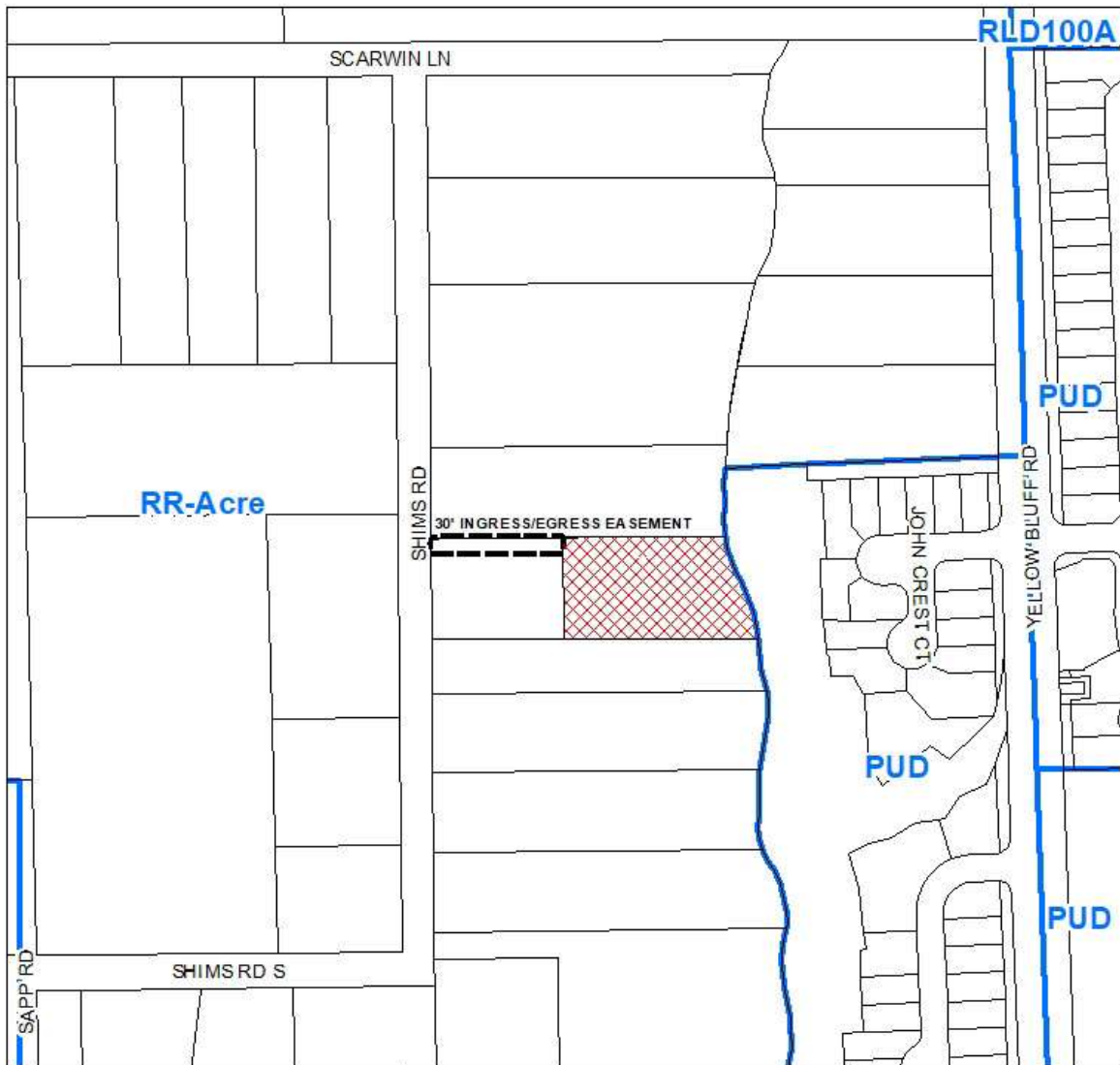


Source: Planning and Development Department, 11/13/2023

View of the existing gravel road, that will be shared by both lots.



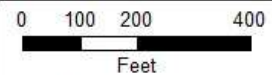
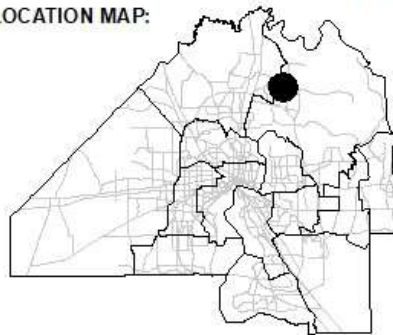
<p>REQUEST SOUGHT:</p> <p>REDUCE MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET</p>	<p>LOCATION MAP:</p> 	  <p>COUNCIL DISTRICT:</p> <p>2</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2023-0713</p>	<p>TRACKING NUMBER</p> <p>WRF-23-19</p>	<p>EXHIBIT 2 PAGE 1 OF 1</p>



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REDUCE MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET

LOCATION MAP:



COUNCIL DISTRICT:

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**EXHIBIT 3
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