

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE**

**ORDINANCE 2023-543 (WRF-23-09)**

**OCTOBER 3, 2023**

***Location:*** 2790 Garris Lane between Yellow Bluff road and terminus of Garris Lane

***Real Estate Number(s):*** 106169-0030

***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

***Agent:*** Mary Lee Anderson  
2790 Garris Lane  
Jacksonville Florida 32226

***Owner:*** Anthony Nesmith  
324 West 17<sup>th</sup> Street  
Jacksonville Florida 32206

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2023-543** (WRF-23-09) seeks to reduce the required minimum road frontage from 160 feet to 0 feet for construction of a second single family dwelling on 1.13 acres. Garris Lane is an “Unapproved Private Road”

A companion Administrative Deviation application Ordinance **2023-544** (AD-23-43) seek to reduce the minimum lot area from 2 acres to 1 acre. The department is also recommending Approval on the Administrative Deviation Application.

### 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 property has access to Garris Lane, which is classified as an “unapproved private road”. Given the current configuration of the site and its restricted access to a public street, this creates practical and economic challenges in meeting the regulation of required road frontage

- (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 cost of developing the site or Chapter 654.

- (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 subject property is currently developed with a single family dwelling. The waiver would permit a second single family dwelling to be constructed for a relative. It is not anticipated that the construction of a second dwelling will reduce the property values of the neighboring lots, nor would it interfere with the rights of other homeowners. The proposed single-family dwelling will not be out of character with the surrounding neighborhood.

- (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 applicant has a 15 foot wide easement across the parcel to Garris Lane which connects to Yellow Bluff Road, which is publically maintained by the City of Jacksonville.

- (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. There will be little to no effect on public health safety and welfare as the requested waiver will allow for one additional home in an area where lots already lack direct road frontage.

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on September 22, 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 2023-543 (WRF-23-09)** be **APPROVED**.



Aerial view of subject property



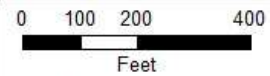
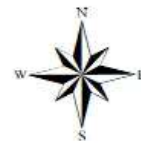
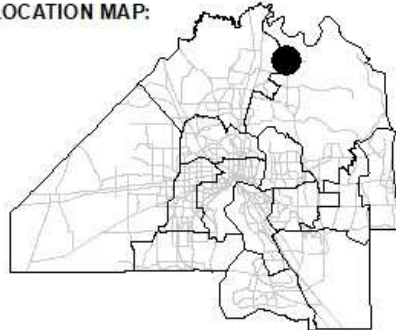
View of Garris Lane



REQUEST SOUGHT:

**REDUCE REQUIRED FRONTAGE FROM 160 FT. TO 0 FT. FOR TWO DWELLINGS**

LOCATION MAP:



COUNCIL DISTRICT:

**2**

ORDINANCE NUMBER

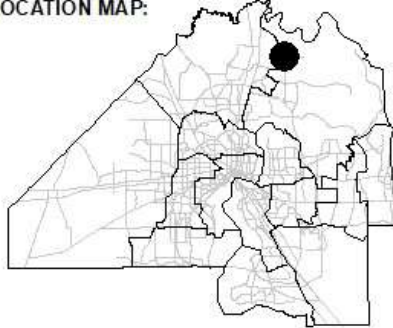
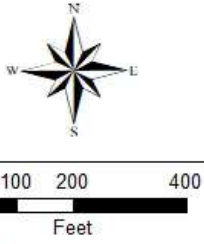
ORD-2023-0543

TRACKING NUMBER

**WRF-23-09**

**EXHIBIT 3  
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<p>REQUEST SOUGHT:</p> <p><b>REDUCE REQUIRED LOT ARE FROM 2 ACRES TO 1.0 ACRES.</b></p>	<p>LOCATION MAP:</p> 	 <p>COUNCIL DISTRICT:</p> <p><b>2</b></p>
<p>ORDINANCE NUMBER</p> <p><b>ORD-2023-0544</b></p>	<p>TRACKING NUMBER</p> <p><b>AD-23-43</b></p>	<p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>