

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2020-0753 (WRF-20-29)**

**FEBRUARY 2, 2021**

***Location:*** 1310 Prioleou Street  
Between 3<sup>rd</sup> Street West and 4<sup>th</sup> Street West

***Real Estate Number(s):*** 050919-0000

***Waiver Sought:*** Reduce minimum road frontage from 32 feet to 30 feet.

***Present Zoning:*** Residential Medium Density-A (RMD-A)

***Current Land Use Category:*** Medium Density Residential (MDR)

***Planning District:*** 5- Northwest

***Owner/Applicant:*** Scott Dittmer  
Habitat for Humanity of Jacksonville, Inc  
2404 Hubbard Street.  
Jacksonville, Florida 32206

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

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-0753** (WRF-20-29) seeks to reduce the required minimum road frontage from 32 feet to 30 feet in order to allow for a single-family dwelling in the Residential Medium Density-A (RMD-A) Zoning District. Located on a 0.07± acre parcel, the property will be accessed via Prioleou Street, which is a publically maintained road.

**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 been in its current configuration since at least 1972 based on City records. It is possible that the subject site was created prior to the consolidation of the City, however no definitive proof could be found. A Digital Sanborn map indicates that a structure was located on the location of the lot in the 1950s, however it does not show specific lot lines for the subject lot.

It is seen as a practical difficulty for the strict letter of the code to be enforced on the lot due to the history of structures and lot lines for the site.

- (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 request does not have the effect of reducing the cost of development, and it does not circumvent the requirements of Chapter 654. The property is currently vacant and the grant of this waiver would allow a new single family structure to be built. There is a companion Administrative Deviation application that is seeking to reduce the minimum lot area from 4000 square feet to 3010 square feet, and 40 feet in width to 30 feet in width.

- (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 will not substantially diminish property values or alter the essential character of the surrounding area, nor interfere with the rights of others. There are other lots within the surrounding neighborhood that have similar road frontages.

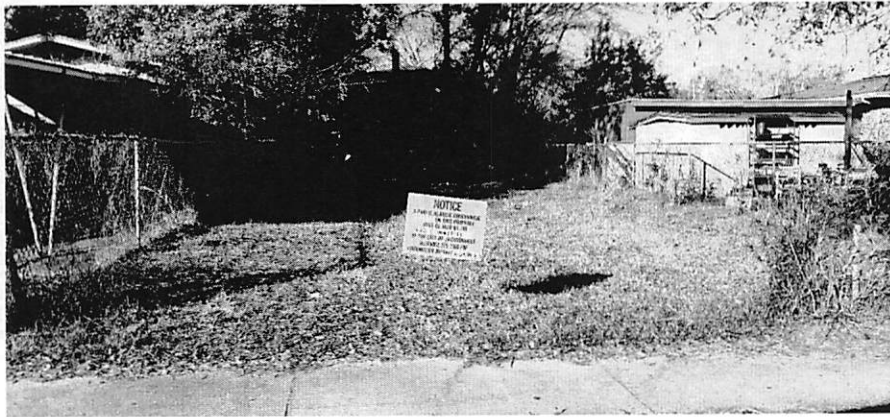
- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

Yes. There is a valid and effective easement for adequate vehicular access connected to a public street. The lot will be accessed from Prioleou Street.

- (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. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general development pattern in the area, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will not result in the creation of a nuisance. Furthermore, the development of the site still must comply with the Land Development Procedures and permitting requirements. The property's frontage and is sufficient to permit access to the site by fire/rescue, service and utility vehicles.

**SUPPLEMENTARY INFORMATION**



Upon visual inspection of the subject property on **January 15, 2021** 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 2020-0753 (WRF-20-29)** be **APPROVED**.



Aerial View

Source: JaxGIS

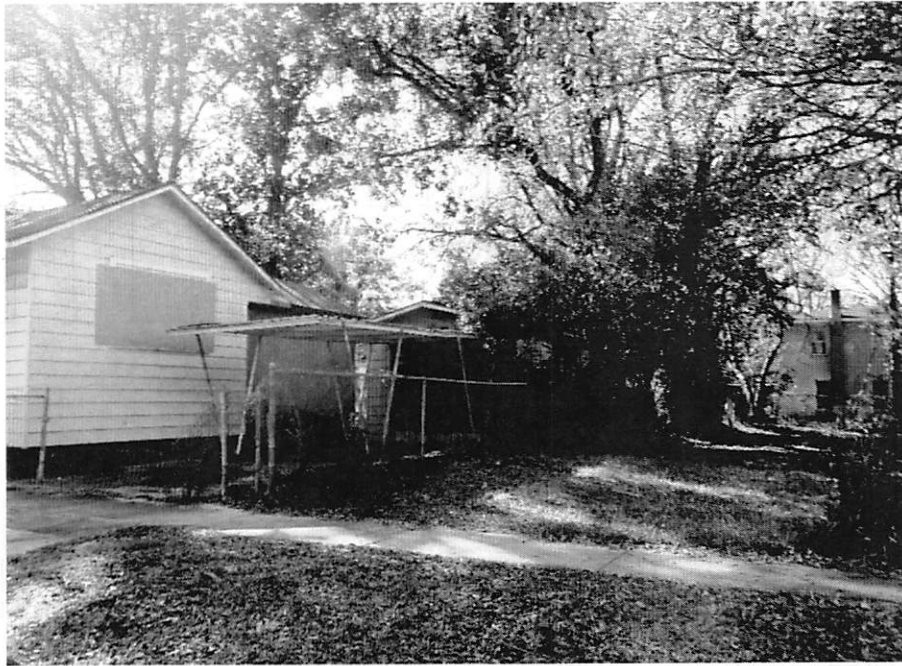
Date: January 13, 2021



View of the Subject Site

Source: Planning and Development Department

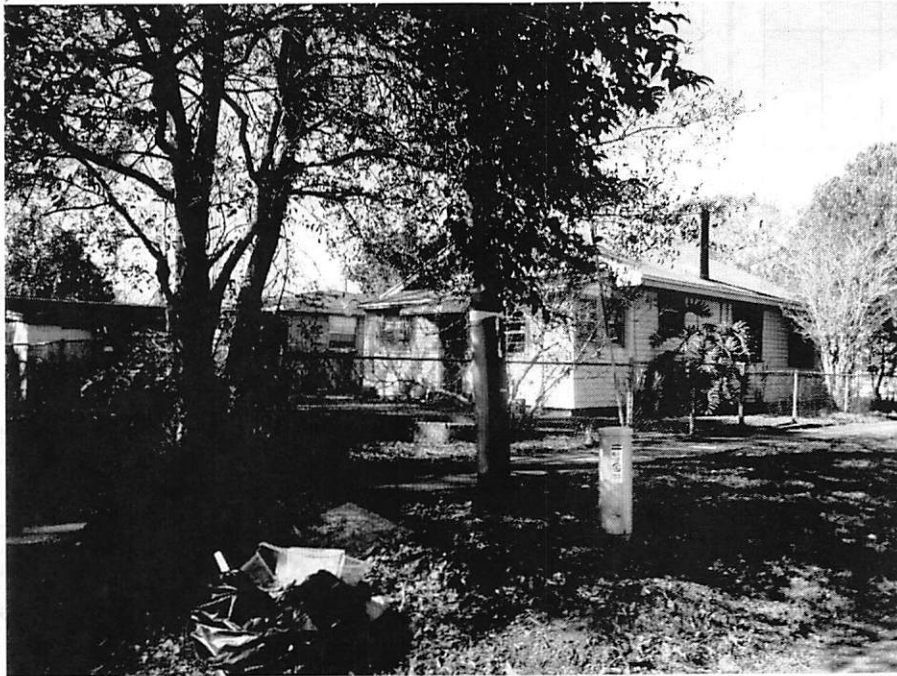
Date: January 5, 2021



View of the neighboring parcel to the south

*Source: Planning and Development Department*

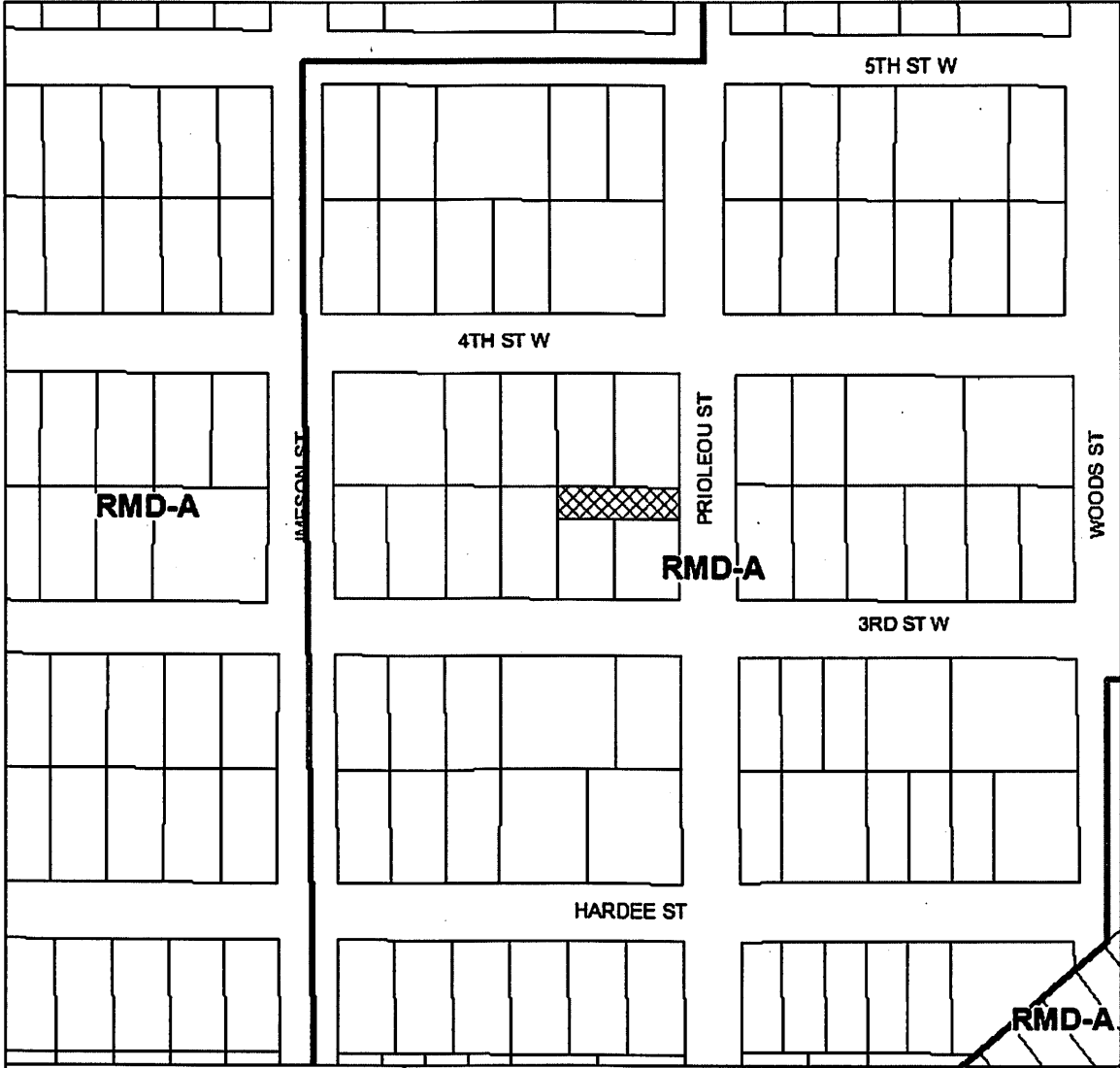
*Date: January 5, 2021*



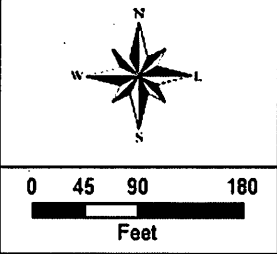
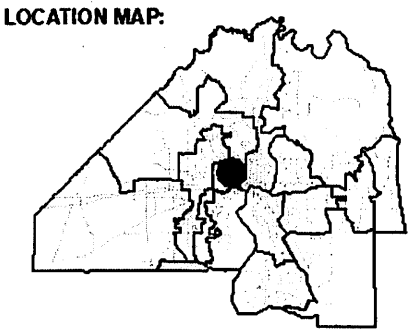
View of the neighboring parcel to the north

*Source: Planning and Development Department*

*Date: January 5, 2021*



**REQUEST SOUGHT:**  
**REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 40 FEET TO 30 FEET**



**COUNCIL DISTRICT:**  
**9**

**TRACKING NUMBER**  
**WRF-20-29**

**EXHIBIT 2**  
**PAGE 1 OF 1**

Legal Map

Source: JaxGIS  
Date: January 13, 2021

Date Submitted: 10/29/20
Date Filed: 11-17-20

Application Number: VRF.20.29
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: RMD-A	Current Land Use Category: MDR	
Council District: 9	Planning District: 5	
Previous Zoning Applications Filed (provide application numbers): N/A		
Applicable Section of Ordinance Code: 656.407		
Notice of Violation(s): N/A		
Neighborhood Associations: Better Living Community Assn; Habitat for Humanity Jax; New Town Success Zon		
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee:	Zoning Asst. Initials: CMC

PROPERTY INFORMATION	
1. Complete Property Address: 1310 Prioleou St	2. Real Estate Number: 050919-0000
3. Land Area (Acres): 0.07	4. Date Lot was Recorded: 10/16/1910
5. Property Located Between Streets: <del>Evergreen Ave and Phoenix Ave</del> 3RD ST W & 4th ST W.	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from 40 feet to 30 feet.	
8. In whose name will the Waiver be granted? Habitat for Humanity of Jacksonville, Inc.	

<b>OWNER'S INFORMATION (please attach separate sheet if more than one owner)</b>	
9. Name: Habitat for Humanity of Jacksonville, Inc.	10. E-mail: sdittmer@habijax.org
11. Address (Including city, state, zip): 2404 Hubbard St. Jacksonville, FL 32206	12. Preferred Telephone: 904-524-4788

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

<b>CRITERIA</b>
<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"> <li>i. <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i></li> <li>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></li> <li>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></li> <li>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></li> <li>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></li> </ul>



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.

From a time prior to the applicant's procurement, the existing property's width fell short of today's minimum road frontage zoning requirements. We desire to provide low to moderate income housing to a household of residents and its locality that would benefit in having a newly-constructed home erected and the provision of additional tax revenue. It is not our belief that surrounding property values will not be diminished, but enhanced rather, with the addition of a newly constructed, detached, single family home.

**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.coi.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coi.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		

**FILING FEES**

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

Base Fee

Non-residential Districts: \$1,091.00

Public Notices

\$7.00 per Addressee

Advertisement

Billed directly to owner/agent

**AUTHORIZATION**


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 Planning Commission. The owner and/or authorized agent must be present at the public hearing.

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.

I hereby certify that I have read and understand 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.

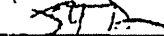
**Owner(s)**

Print name: Monte Walker

Signature: 

**Applicant or Agent (if different than owner)**

Print name: Scott Dittmer

Signature: 

**Owner(s)**

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

*\*An agent authorization letter is required if the application is made by any person other than the property owner.*

**SUBMITTAL**

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**.

Submit applications to:

Planning and Development Department, Zoning Section

214 North Hogan Street, 2<sup>nd</sup> Floor

Jacksonville, Florida 32202

(904) 255-8300

# ORDINANCE \_\_\_\_\_

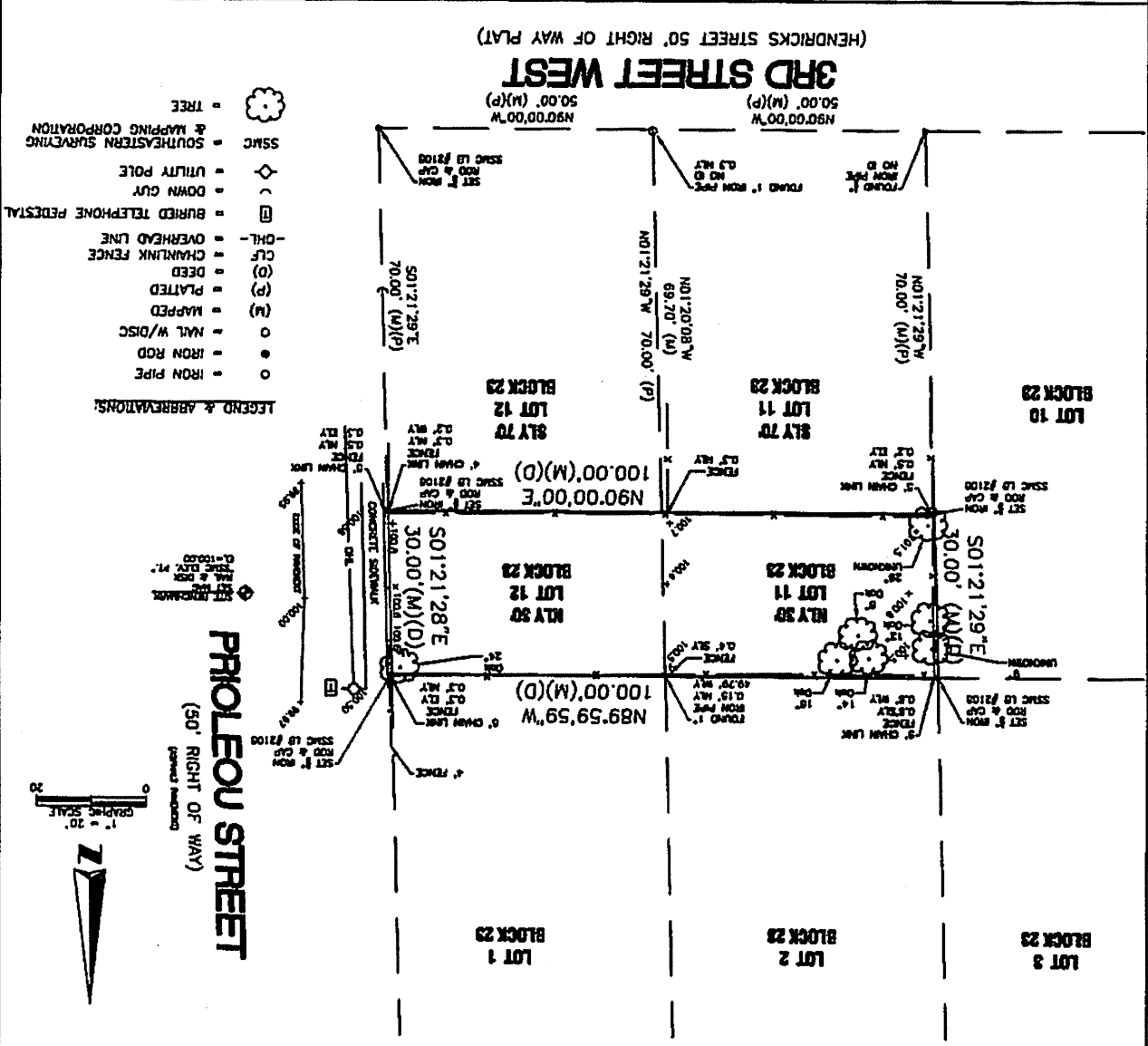
## Legal Description

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The North 30 feet of Lots 11 and 12, Block 23, COLLEGE PARK, according to plat thereof as recorded in Plat Book 4, Page 1 of the Public Records of Duval County, Florida

10/29/2020

DRAWING NUMBER 64184001		SHEET NUMBER 1 OF 1	
PROJECT BOUNDARY SURVEY		DATE 1/13/2020	
CLIENT HARRAT FOR HUMANITY OF JACKSONVILLE, INC.		DRAWN BY JLA	
ADDRESS 1310 PROLEOU STREET JACKSONVILLE, FLORIDA 32209		SCALE 1"=20'	
SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 8441 Bayline Road, Suite 6 Jacksonville, Florida 32209 (904) 737-8900 Fax (904) 737-8906 e-mail: info@semap.com			

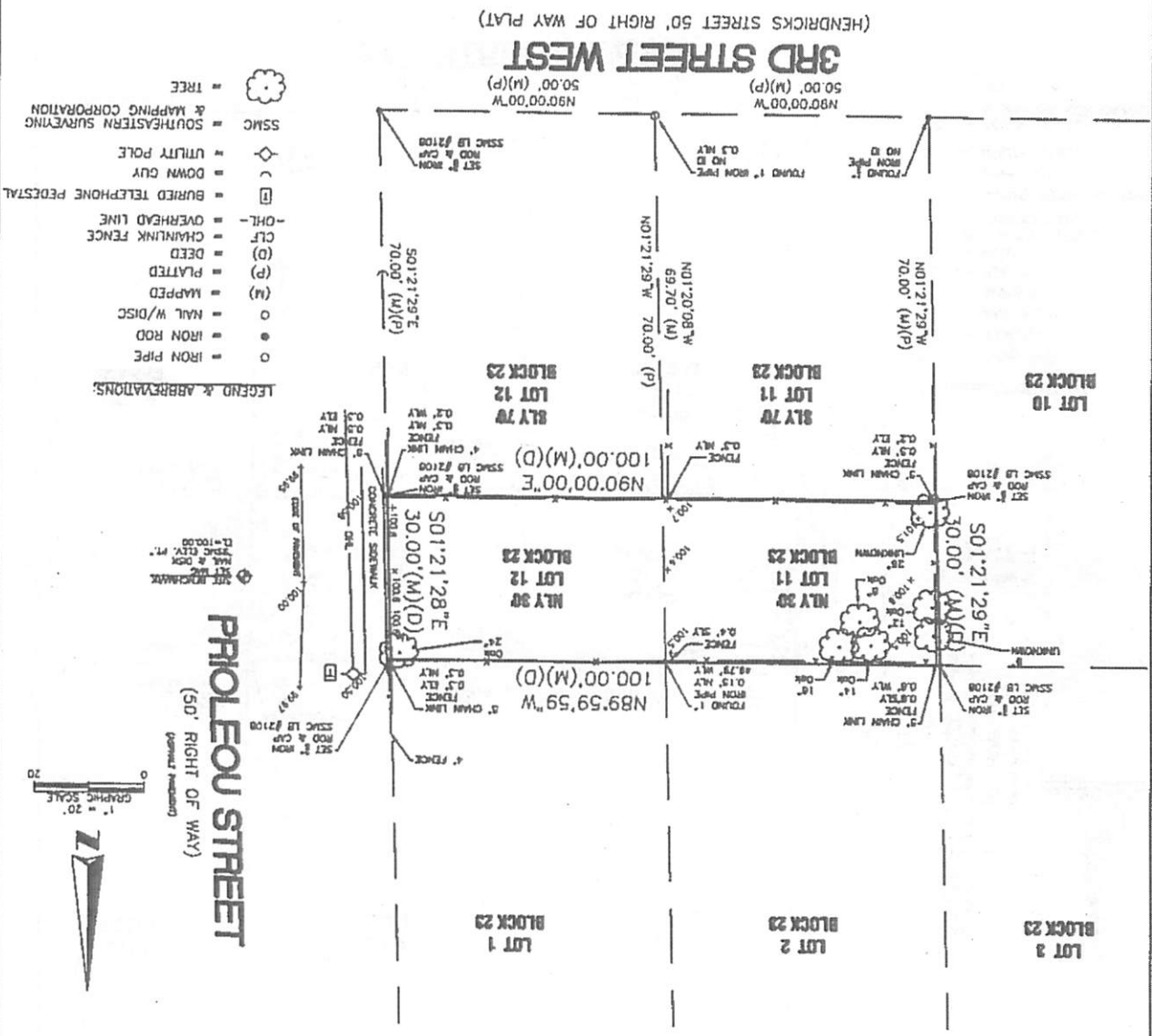


**DESCRIPTION:**  
The North 50' of Lots 11 and 12, Block 23, COLLEGE PARK according to plat thereof as recorded in Plat Book 4, Page 1 of the Public Records of Duval County, Florida.

**SURVEYOR'S REPORT:**

- Utility locations if shown hereon are based on field location of markings by utility company representatives, surface features and construction plans furnished to the surveyor. Additional sub-surface utilities may exist that have not been field located.
- Easements or rights of way that appear on recorded plans or that have been furnished to the surveyor by others have been incorporated into this drawing.
- Minimum Horizontal Accuracy for this survey is in accordance with the STANDARDS OF PRACTICE set forth by the Board of Professional Surveyors and Mappers in Chapter 54-17 requirements of Florida Administrative Code. The map and measurement methods used for this survey meet or exceed this requirement. The dimensions shown hereon are in United States standard feet and decimals thereof.
- The survey does not determine ownership of the lands shown hereon.
- Underground foundations have not been located.
- Survey map and report or the copies thereof are not valid without the signatures and the original raised seal of a Florida Licensed Surveyor and Mapper. Features shown by symbol as indicated in the legend or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- Vertical information shown hereon refers to assumed datum of 100.00 feet.
- Bearings shown hereon are based on assumed Westerly Right of Way line of Proleou Street as 501°21'28"E Bearings and distances shown hereon are measured unless otherwise noted.
- This survey was performed without benefit of an abstract, title search, title opinion or title commitment. A title search may reveal additional information affecting the parcel as shown.
- Unless shown, only those visible features found within the boundaries of this survey or in the immediate vicinity of the above described parcel boundary have been located.
- Right of Way information shown hereon was determined by found monumentation, recorded plats, and information obtained on the Duval County Property Appraiser's web site.
- Adjacent property information shown hereon, that was not furnished to this surveyor, was compiled using latest available data. No attempt was made by this firm to verify its accuracy.
- Based on the National Flood Insurance Program FEMA Map No. 12031C03252H, dated June 03, 2013, the above described property lies within Flood Zone "X".

DRAWING NUMBER 04124001		SHEET NUMBER 1 OF 1	
BOUNDARY SURVEY		DATE 3/17/2013	
1310 PROLEOU STREET JACKSONVILLE, FLORIDA 32209		DRAWN BY JVA	
HABITAT FOR HUMANITY OF JACKSONVILLE, INC.		CHECKED BY R.D. O'NEAL	
SECTION DATE		SECTION DATE	
BY		BY	



**DESCRIPTION:**  
The North 30' of Lots 11 and 12, Block 23, COLLEGE PARK according to plat thereof as recorded in Plat Book 4, Page 1 of the Public Records of Duval County, Florida.

**SURVEYOR'S REPORT:**

- Utility locations if shown hereon are based on field location of markings by utility company representatives, surface features and construction plans furnished to the surveyor. Additional sub-surface utilities may exist that have not been field located.
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- Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
- Vertical information shown hereon refers to assumed datum of 100.00 feet.
- Bearings shown hereon are based on assumed Westerly Right of Way line of Proleou street as 50'1'21'28"E Bearings and distances shown hereon are measured unless otherwise noted.
- Unless shown, only those visible features found within the boundaries of this survey or in the immediate vicinity of the above described parcel boundary have been located.
- Right of Way information shown hereon was determined by found monumentation, recorded plats, and information obtained on the Duval County Property Appraiser's web site.
- Adjacent property information shown hereon, that was not furnished to this surveyor, was compiled using latest available data. No attempt was made by this firm to verify its accuracy.
- Based on the National Flood Insurance Program FIRM Map No. 12031C0352H, dated June 03, 2013, the above described property lies within Flood Zone "X".

**NOTICE OF LIABILITY:**  
This survey is certified to those individuals shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts the rights of any other individual or firm to use this survey, without express written consent of the surveyor.

**DESCRIPTION:**

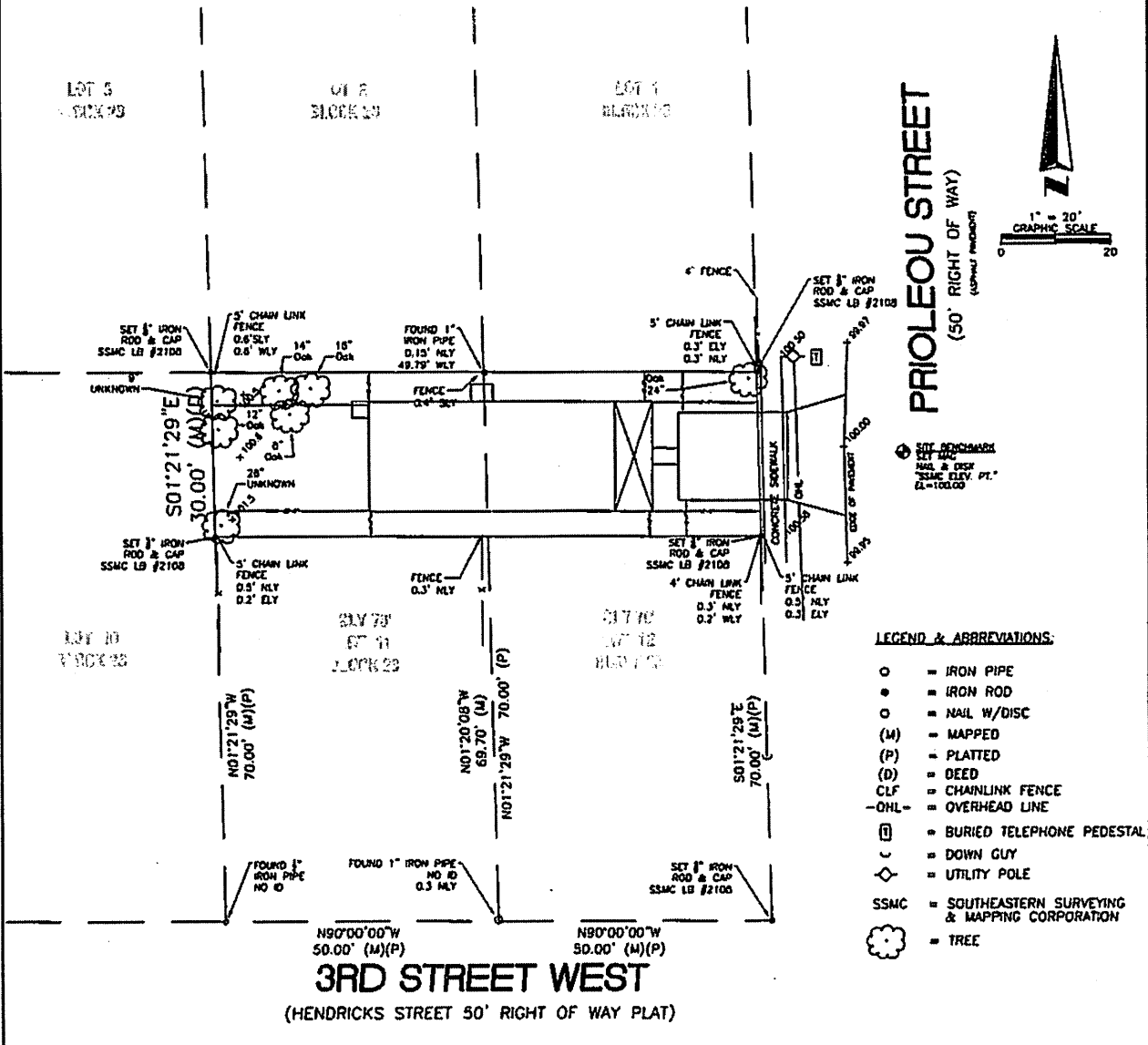
The North 30' of Lots 11 and 12, Block 23, COLLEGE PARK according to plat thereof as recorded in Plat Book 4, Page 1 of the Public Records of Duval County, Florida.

**SURVEYOR'S REPORT:**

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3. Minimum Horizontal Accuracy for this survey is in accordance with the STANDARDS OF PRACTICE set forth by the Board of Professional Surveyors and Mappers in Chapter 5J-17 requirements of Florida Administration Code. The map and measurement methods used for this survey meet or exceed this requirement. The dimensions shown hereon are in United States standard feet and decimals thereof.
4. This survey does not determine ownership of the lands shown hereon.
5. Underground foundations have not been located.
6. Survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
7. Features shown by symbol as indicated in the legend are not to scale.
8. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
9. Vertical information shown hereon refers to assumed datum of 100.00 feet.
10. Bearings shown hereon are based on assumed Westerly Right of Way line of Prioleou street as S01°21'28"E Bearings and distances shown hereon are measured unless otherwise noted.
11. This Survey was performed without benefit of an abstract, title search, title opinion or title commitment. A title search may reveal additional information affecting the parcel as shown.
12. Unless shown, only those visible features found within the boundaries of this survey or in the immediate vicinity of the above described parcel boundary have been located.
13. Right of Way information shown hereon was determined by found monumentation, recorded plats, and information obtained on the Duval County Property Appraisers web site.
14. Adjacent property information shown hereon, that was not furnished to this surveyor, was compiled using latest available data. No attempt was made by this firm to verify its accuracy.
15. Based on the National Flood Insurance Program FIRM Map No. 120J1C0352H, dated June 03, 2013, the above described property lies within Flood Zone "X".

**NOTICE OF LIABILITY:**

This survey is certified to those individuals shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts the rights of any other individual or firm to use this survey, without express written consent of the surveyor.



Certified to: <b>HABITAT FOR HUMANITY OF JACKSONVILLE, INC.</b>		REVIEWER DATE: _____ ESTATION: _____ BY: _____
DRAWING NUMBER: <b>BOUNDARY SURVEY</b>	SHEET NUMBER: <b>1 OF 1</b>	<b>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION</b> 8041 Bayline Road, Suite 0 Jacksonville, Florida 32256 (904) 737-8990 Fax (904) 737-8995 e-mail info@ssmc.us
PROJECT ST - <b>3RD ST PLAN</b> 1310 PRIOLEOU STREET JACKSONVILLE, FLORIDA 32209	Survey Date: 3/13/2020 Drawn By: JTA Scale: 1"=20'	ROBERT S. GLENN Registered Land Surveyor and Mapper License No. 5893

**DESCRIPTION:**

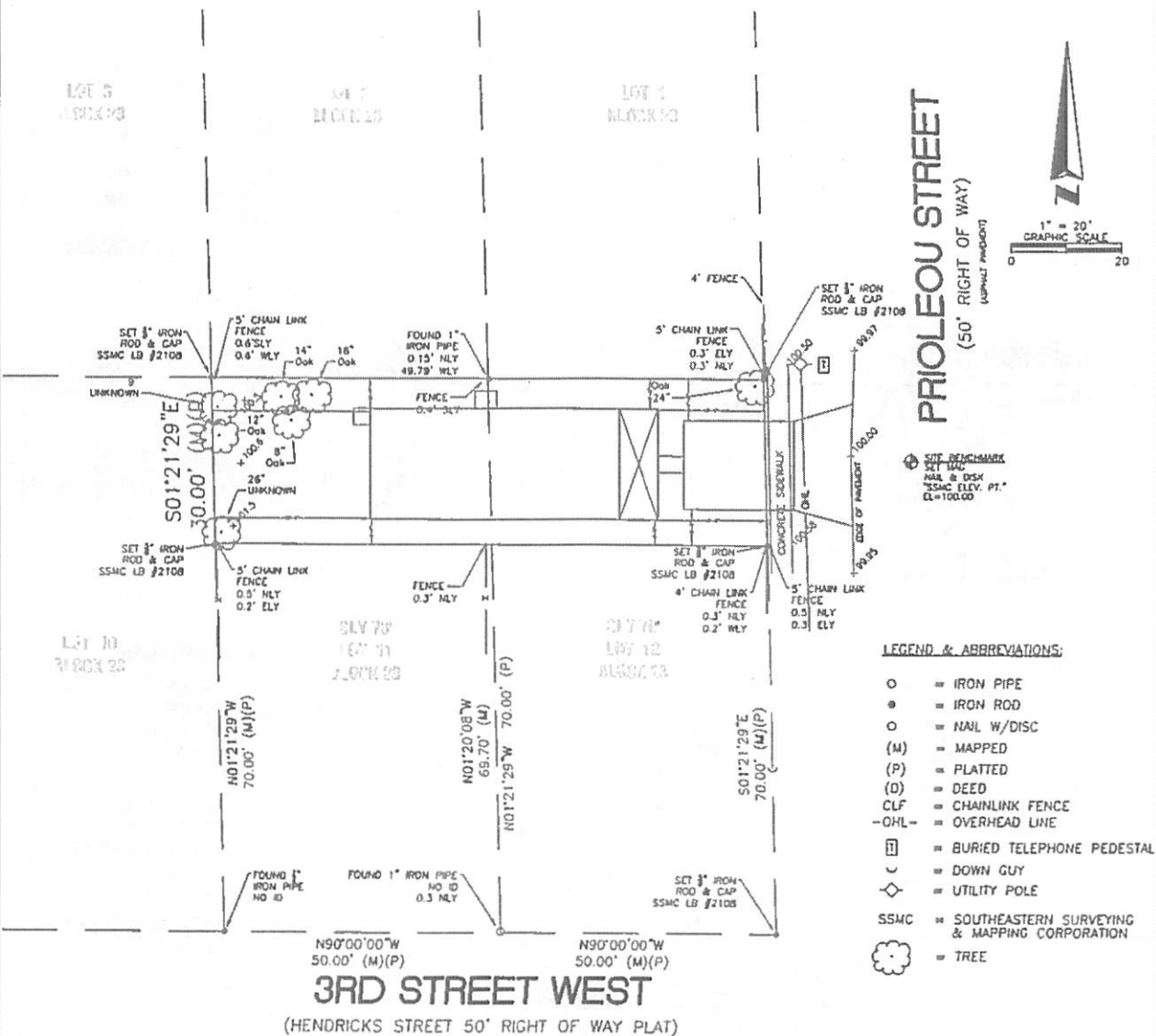
The North 30' of Lots 11 and 12, Block 23, COLLEGE PARK according to plot thereof as recorded in Plat Book 4, Page 1 of the Public Records of Duval County, Florida.

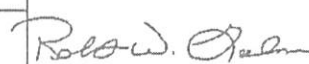
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- Adjacent property information shown hereon, that was not furnished to this surveyor, was compiled using latest available data. No attempt was made by this firm to verify its accuracy.
- Based on the National Flood Insurance Program FIRM Map No. 12031C0352H, dated June 03, 2013, the above described property lies within Flood Zone "X".

**NOTICE OF LIABILITY:**

This survey is certified to those individuals shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts the rights of any other individual or firm to use this survey, without express written consent of the surveyor.



Certified to: <b>HABITAT FOR HUMANITY OF JACKSONVILLE, INC.</b>		REVISION DATE  REVISION  BY
DRAWING NUMBER <b>PRIOLEOU ST - S7789-PLAN</b>	BOUNDARY SURVEY 1310 PRIOLEOU STREET JACKSONVILLE, FLORIDA 32209	<b>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION</b> 8841 Baypine Road, Suite 5 Jacksonville, Florida 32256 (904) 737-5990 Fax (904) 737-5995 e-mail: info@ssmc.us
SHEET NUMBER <b>1 OF 1</b>	Survey Date: 3/15/2020 Drawn By: JTA Scale: 1"=20'	 <b>ROBERT E. GAUDIN</b> Registered Land Surveyor and Mapper License No. 1020