

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

ORDINANCE 2021-700 (WRF-21-14)

NOVEMBER 4, 2021

Location: 0 Clearwater Lane
Between Hood Landing Road and terminus of
Clearwater Lane

Real Estate Number(s): 158913-0300, 159913-0100

Waiver Sought: Reduce Minimum Required Road Frontage from 80
Feet to 0 Feet

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: 3-Southeast

Applicant/Owner: Devon J. Cole
5650 Crest Creek Drive
Jacksonville, Florida 32258

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-700 (WRF-21-14)** seeks to reduce the required minimum road frontage from 80 feet to 0 feet. The property owner intends to split the 2.44 acre parcel for the development of two single family dwellings. "Parcel A" will have an access easement that connects to Clearwater Lane. "Parcel B" will have the required road frontage on Clearwater Lane. Both lots will meet all of the minimum lot requirements of the RR-Acre Zoning District.

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?***

No. The application will combine a 0.31 acre parcel and a 2.13 acre parcel into a 2.44 acre parcel. In this instance, there is sufficient area and width to meet the minimum lot area and width for the RR-Acre Zoning District but there is insufficient frontage for two lots. The two options are to construct a public right of way or an approved private street to access the second lot that does not have frontage. The grant of this request will set a negative precedent for allowing similar requests in the future that will have a detrimental effect on the area.

- (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 applicant is proposing to divide the parcels into two lots for two new single family homes. Due to the configuration of the parcel, the owner will need to construct an approved private road to access one of the lots. Approval of this request will remove the need for a City approved street, which significantly reduces the cost of constructions.

- (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. Granting the waiver will encourage other property owners with a similar lot configuration to apply to split their lots, increasing the number of dwellings without proper access for JSO, JFRD or other city Services. Doubling the number of dwellings on Clearwater Lane will alter the character of the 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. The property owner has a 35 feet wide, easement that will connect Clearwater Lane to 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 waiver will be detrimental to the public health, safety of the residents along this easement by creating safety concerns for emergency responders attempting to access the property. The proposed request would be detrimental to the public health, safety and welfare by creating precedence for similar requests in the future that will increase the number of lots without frontage on Clearwater Lane and altering the established character of the area.

SUPPLEMENTARY INFORMATION

The required Notice of Public Hearing sign was posted by the property owner.



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 2021-700 (WRF-21-14)** be **DENIED**.



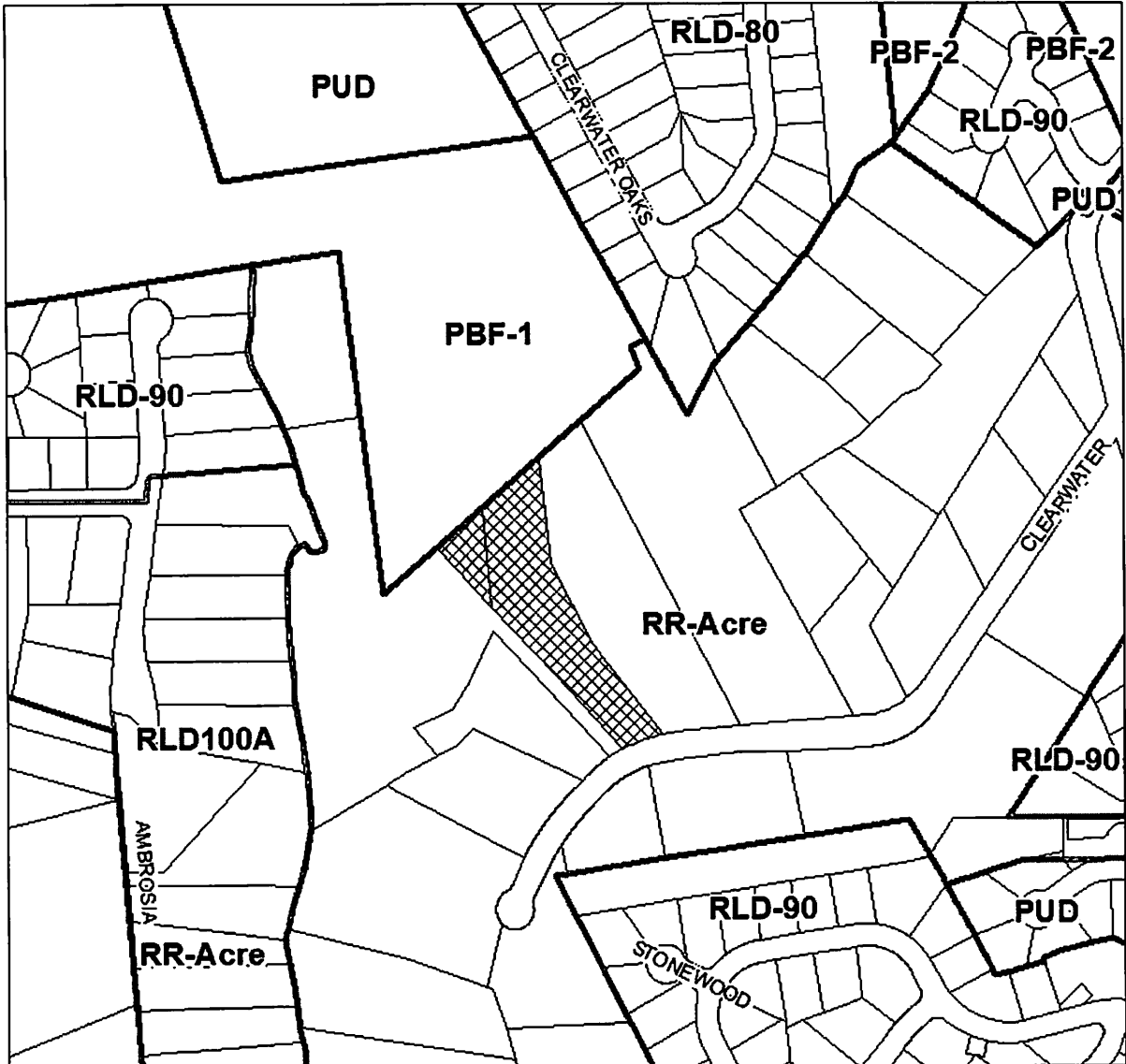
Aerial view of subject property. The parcel will be divided in the middle.



View of subject property



Residential house across street



<p>REQUEST SOUGHT:</p> <p>REDUCE REQUIRED FRONTAGE FROM 80 FEET TO 0 FEET</p>	<p>LOCATION MAP:</p> <p>A small map of the city showing various districts. A black dot indicates the location of the subject property in the southern part of the city.</p>	<p>A north arrow pointing upwards. Below it is a scale bar marked with 0, 130, 260, and 520 feet.</p> <p>COUNCIL DISTRICT:</p> <p>6</p>
<p>ORDINANCE NUMBER</p> <p>ORD-2021-0700</p>	<p>TRACKING NUMBER</p> <p>WRF-21-14</p>	<p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>

Date Submitted:	8/10/21
Date Filed:	8/24/21

Application Number:	WRF-21-14
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:	RR	Current Land Use Category: LDR
Council District:	6	Planning District: 3
Previous Zoning Applications Filed (provide application numbers): none found		
Applicable Section of Ordinance Code: 656.304 / 656.407		
Notice of Violation(s): none found		
Neighborhood Associations: Oldfield Point HA		
Overlay: Mandarin Height Overlay		
LUZ Public Hearing Date:		City Council Public Hearing Date:
Number of Signs to Post:	1	Amount of Fee: \$1266. Zoning Asst. Initials: <i>dlk</i>

CR# 599947

PROPERTY INFORMATION	
1. Complete Property Address: 0 Clearwater Ln 32223	2. Real Estate Number: 158913-0300 & 159913-0100
3. Land Area (Acres): 2.256	4. Date Lot was Recorded: 08/04/1081
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: Reduce Required Minimum Road Frontage from 80 feet to 0 feet.	
8. In whose name will the Waiver be granted? Devon J Cole	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

9. Name:

Devon J Cole

10. E-mail:

devang@bellsouth.net

11. Address (including city, state, zip):

5650 Crest Creek Dr Jacksonville, FL 32258

12. Preferred Telephone:

9048607171**APPLICANT'S INFORMATION (if different from owner)**

13. Name:

14. E-mail:

15. Address (including city, state, zip):

16. Preferred Telephone:

CRITERIA

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."

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:

- i. There are practical or economic difficulties in carrying out the strict letter of the regulation;*
- ii. 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);*
- iii. 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;*
- iv. 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;*
- v. 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.*

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.

We are requesting to split the land into two parcels so two families can build on the lot. Each family will have approximately 1 acre of land to build on.

The property was purchased so two sets of lifelong friends who have a dream of building homes beside each other.

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

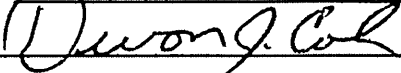
Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

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: Devon J Cole

Signature: 

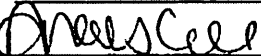
Applicant or Agent (if different than owner)

Print name: _____

Signature: _____

Owner(s)

Print name: Angela D Cole

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, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

Legal Description
Exhibit 1
June 30, 2021

apart of the George Hartley Grant, section 41, township 4 south, range 27 east, Duval County, Florida, more particularly described as follows:

commence at a 1 inch iron pipe at the intersection of the line between the Fred Hartley Grant, section 42 and the George Hartley Grant, section 41 both in township 4 south, range 27 east and the northerly line of clearwater lane (a 60 foot right of way as now established by the city of Jacksonville Department of Public Works):

thence south 86°46'40" west, 262.3 feet (south 86°52'20" west, 262.05 feet as field measured) to a 4"x4" concrete monument, the following line to be the basis of bearing for this description, with a value of south 84°07'16" west, thence follow said bearing along the northerly line of clearwater lane for a distance of 189.82 feet (189.87 feet as field measured) to a 1 inch iron pipe in the northerly line of clearwater lane, being in a curve concave to the southeast and having a radius of 300.81 feet. thence along said curve and the northerly of said clearwater lane accord bearing and distance of south 74°33'11" west, 100.00 feet to a set 1/2" iron pipe and cap #L.B 8409, thence north 40°49'48" west, 227.52 feet to a set 1/2" iron pipe and cap #L.B 8409; thence north 41°49'48" west, 233.13 feet (north 41°51'52" west, 232.70 feet as field measure) to a 4"x4" concrete monument and point of beginning; thence north 41°49'48" west, 181.30 feet (north 42°03'07", 179.90 feet as field measured) to a 1 inch iron pipe; thence north 48°12'58" east, 122.621 feet (north 47°50'06" east, 122.45 feet as field measured) to a one inch iron pipe; thence 48°12'48" east, 169.73 feet (north 48°30'15" east, 169.51 feet as field measured) to a 4"x4" concrete monument; thence south 07°44'44" east, 258.45 feet (south 07°52'59" east, 257.51 feet as field measured) to a set 1/2" iron pipe and cap #L.B 8409; thence south 28°46'44" east, 34.95 feet to the center line of a 8 foot more or less wide creek; thence follow the following 6 courses and distances along the center line of said creek: south 45°41'31" west, 21.22 feet; south 43°45'48" west, 21.90 feet; south 47°46'20" west, 27.55 feet; south 48°10'24" west, 35.32 feet; south 36°36'18" west, 20.88 feet; south 03°44'59" west, 18.40° to a point, said point bears south 41°49'48" east, (south 41°51'52" east as field measured), 87.98 feet from the point of beginning; thence north 41°49'48" west (north 41°51'52" west as field measured), 87.89 feet to the point of beginning.

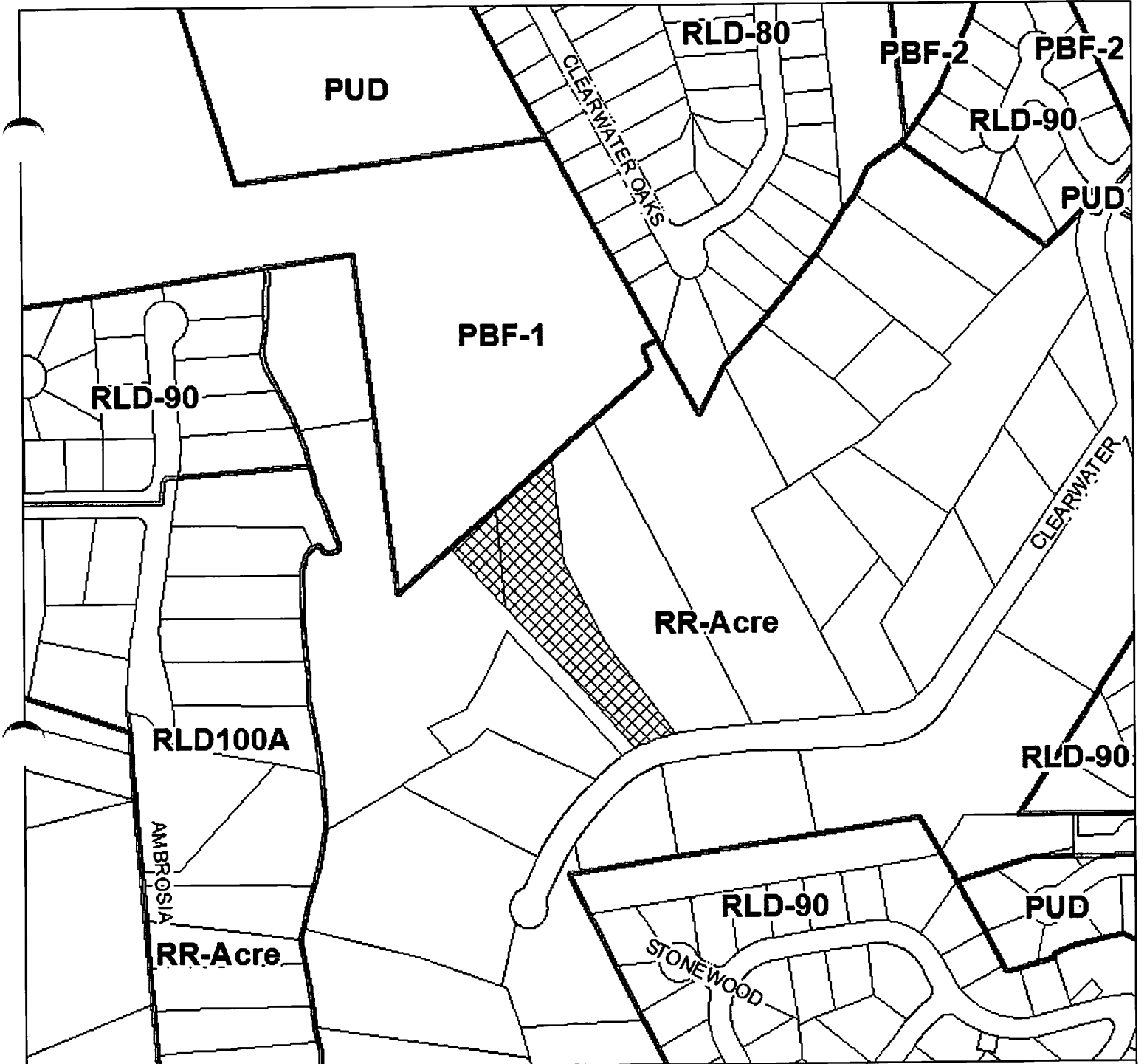
Legal Description: Parcel "B"

Apart of the George Hartley Grant, section 41, township 4 south range 27 east, Duval County, Florida, more particularly described as follows:

commence at the intersection of the line between the Fred Hartley Grant, section 42 and the George Hartley Grant section 41 both in township 4 south range 27 east and the northerly line of Clearwater lane (a 60 foot right, of way as now established by the city of Jacksonville Department of Public Works): thence south 86°46'40" west 262.3 feet (south 86°52'20" west, 262.05 feet as field measured) to 4"x4" concrete monument, the following line to be the basis of bearing for this description, with a valu of south 84°07'16" west, thence follow said bearing along the northerly line of Clearwater lane for a distance of 189.82 feet (189.87 feet as field measured) to a 1 inch iron pipe and a point of beginning in the northerly line of Clearwater Lane being in a curve concave to the southeast and having a radius of 300.81 feet thence along said curve in the northerly line of said Clearwater Lane accord bearing and distance of south 74°33'11" west 100.00 feet to a set 1/2" iron pipe and cap #L.B 8409, thence north 40°49'48" west, 227.52 feet to a set 1/2" iron pipe and cap #L.B 8409, thence north 41°49'48" west (north 41°51'52" west as field measured) 144.81, feet to the center line of a 8 foot more of less wide creek:

thence follow

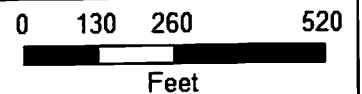
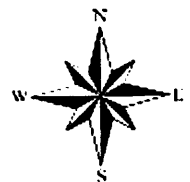
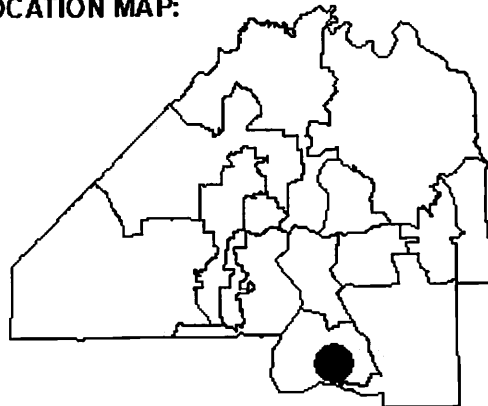
the following 6 courses and distances along the center line of said creek: north 03°44'59" east 18.40 feet; north 36°36'18" east 20.88 feet; north 48°10'24" east 35.32 feet; north 47°46'20" east 27.55 feet; north 43°45'48" east 21.90 feet; north 45°41'31" east 21.22 feet; to a point; thence south 28°46'44" east 175.41; feet to a set 1/2" iron pipe and cap #8409; thence south 38°43'44" east, 266.9 feet; (266.09 feet as field measured) to the point of beginning.



REQUEST SOUGHT:

REDUCE REQUIRED FRONTAGE FROM 80 FEET TO 0 FEET

LOCATION MAP:



COUNCIL DISTRICT:

6

TRACKING NUMBER

WRF-21-14

**EXHIBIT 2
PAGE 1 OF 1**

EXHIBIT A

Property Ownership Affidavit - Individual

Date: 08/09/21

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: 0 Clearwater Ln RE#(s): 158913-0300 & 158913-0100

To Whom it May Concern:

I Devon Cole hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of Road Frontage submitted to the Jacksonville Planning and Development Department.

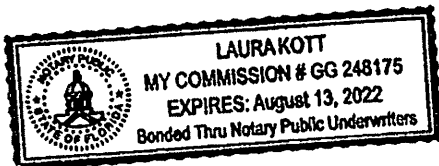
By Devon Cole
Print Name: Devon J. Cole

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 9th day of August 2021, by Devon Cole, who is personally known to me or who has produced FL Driver License as identification and who took an oath.

Laura Kott
(Signature of NOTARY PUBLIC)

Laura Kott
(Printed name of NOTARY PUBLIC)



State of Florida at Large.

My commission expires: August 13 2022

E-RECORDED simplifile

ID: 2021103908
County: Duval
Date: 4/23/21 Time: 11:48 AM

Prepared by/Return to:
Marika Sevin
US PATRIOT TITLE, LLC
111 Nature Walk Parkway
Unit 101
St. Augustine, FL 32092

After Recording Return to: Grantee

File Number: 2021-362MS

General Warranty Deed
(Non Homestead)

Made this 6 day of April, 2021 A.D., by Joseph Ralph Hogan, Jr., as Individual and Trustee of Joseph R. Hogan Jr. Trust dated September 11, 2018, (henceforth referred to as "Grantor") whose address is: 12785 Shapell Ct, Jacksonville, FL 32223, to Angela Danielle Cole and Devon Cole, wife and husband, (henceforth referred to as "Grantee") whose address is: 0 Clearwater Lane, Jacksonville, FL 32223:

(Whenever used herein the term 'Grantor' and 'Grantee' include all the parties to this instrument and their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Duval, Florida, viz:

PARCEL 1:

Part of the George Hartley Grant, Section 41, Township 4 South, Range 27 East, Duval Comity, Florida, more particularly described as follows:

Commence at the intersection of the line between the Fred Hartley Grant, Section 42 and the George Hartley Grant, Section 41, both in Township 4 South, Range 27 East and the Northerly line of Clearwater Lane (a 60 foot right of way as now established by the City of Jacksonville Department of Public Works) ; thence South 86° 46' 40" West, 262.3 feet along the Northerly line of said Clearwater Lane; thence South 84° 07' 16" West, 189.82 feet along the Northerly line of said Clearwater Lane to an iron in the Northerly line of said Clearwater Lane, being in a curve concave to the Southeast and having a radius of 300.81 feet; then along said curve and the Northerly line of said Clearwater Lane a chord bearing and distance of South 74° 33' 11" West, 100.0 feet; thence North 40° 46' 48" West, 227.52 feet; thence North 41° 49' 48" West, 233.13 feet to an iron pin and the point of beginning; thence North 7° 44' 44" West, 218.79 feet; thence South 48° 12' 58" West, 122.61 feet; thence South 41° 49' 48" East, 181.30 feet to the point of beginning.

PARCEL 2:

Part of the George Hartley Grant, Section 41, Township 4 South, Range 27 East, Duval County, Florida, more particularly described as follows;

Commence at the Intersection of the line between the Fred Hartley Grant, Section 42 and the George Hartley Grant, Section 41 both in Township 4 South, Range 27 East and the Northerly line of Clearwater Lane (a 60 foot right of way as now established by the City of Jacksonville Department Of Public Works); thence South 86°-46'-40" West, 262.3 feet along the Northerly line of said Clearwater Lane; thence South 84°-07'-16" West, 189.82 feet along the Northerly line of said Clearwater Lane to the Point of Beginning; thence North 38°43'-44" West, 266.9 feet; thence North 28°-46'-44" West, 211.0 feet; thence North 7°-44'-44" West, 258.45 feet; thence South 48°-12'-58" West, 169.73 feet; thence South 7°-44'-44" East, 218.79 feet; thence South 41-49'-48" East, 233.13 feet; thence South 40°-46'-48" East, 227.52 feet to a point to an Iron in the Northerly line of said Clearwater Lane, being in a curve concave to the Southeast and having a radius of 300.81 feet; thence along said curve and the Northerly line of said Clearwater Lane a chord bearing and distance of North 74°-33'-11" East, 100.0 feet to the Point of Beginning.

Parcel ID Number: 158913-0100 and 158913-0300

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property. Grantor's residence and homestead address is: 12785 Shapell Ct, Jacksonville, FL 32223

Subject to covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments of the current year and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

LAND SURVEYORS AND PLANNERS

211 GUARANTY LIFE BUILDING

137 E. FORSYTH STREET

JACKSONVILLE, FLORIDA 32202

SCHEDULE

EASEMENT No. 3

August 10, 1981

30 foot easement for ingress and egress

Part of the George Hartley Grant, Section 41, Township 4 South, Range 27 East, Duval County, Florida, more particularly described as follows:

Commence at the intersection of the line between the Fred Hartley Grant, Section 42 and the George Hartley Grant, Section 41, both in Township 4 South, Range 27 East and the Northerly line of Clearwater Lane; thence South $86^{\circ}-46'-40''$ West, 262.3 feet along the Northerly line of said Clearwater Lane; thence South $84^{\circ}-07'-16''$ West, 189.82 feet along the Northerly line of said Clearwater Lane to the Point of Curve of a curve concave to the Southeast and having a radius of 300.8 feet; thence around and along said curve and the Northerly line of said Clearwater Lane a chord bearing and distance of South $74^{\circ}-33'-11''$ West, 100.0 feet; thence North $40^{\circ}-46'-48''$ West, 227.52 feet; thence North $41^{\circ}-49'-48''$ West, 233.13 feet to the Point of Beginning; thence continue North $41^{\circ}-49'-48''$ West, 181.3 feet; thence South $48^{\circ}-12'-58''$ West, 172.97 feet; thence South $80^{\circ}-17'$ West, 30.0 feet; thence South $9^{\circ}-43'$ East, 30.0 feet; thence North $80^{\circ}-17'$ East, 38.62 feet; thence North $48^{\circ}-12'-58''$ East, 151.62 feet; thence South $41^{\circ}-49'-48''$ East, 166.33 feet; thence South $86^{\circ}-49'-48''$ East, 21.21 feet; thence North $41^{\circ}-49'-48''$ West, 15.0 feet; thence North $3^{\circ}-10'-12''$ East, 21.21 feet to the Point of Beginning.