



Date Submitted: 8/24/23
Date Filed: 8/31/23

Application Number: WRF-2-19
Public Hearing: t

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-Acre	Current Land Use Category: LDR	
Council District: 2	Planning District: CPAC - PDB - North	
Previous Zoning Applications Filed (provide application numbers): 		
Applicable Section of Ordinance Code: 656.407		
Notice of Violation(s):		
Neighborhood Association: M&M Dairy, Inc.; The Eden Group, Inc.; North		
Overlay:		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$1343	Zoning Asst. Initials: 

PROPERTY INFORMATION	
1. Complete Property Address: 12751 Shims RD, Jax FL 32226	2. Real Estate Number: 106929-0110
3. Land Area (Acres): 2.29	4. Date Lot was Recorded: 4/3/1995
5. Property Located Between Streets: Scarwin Lane and Sapp Road	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from 80 feet to 30 feet.	
8. In whose name will the Waiver be granted? Kerry W. Penn	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Kerry W. Penn	10. E-mail: kerry.penn1@gmail.com
11. Address (including city, state, zip): 12751 Shims Rd. Jacksonville, FL 32226	12. Preferred Telephone: 904-704-9684

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

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

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.

My property is 182 ft wide north and south beside Shims Rd and 569 ft depth east and west with a driveway down along the north side of the property. I want to divide the property in half between the east and west property lines making two seperate 1.14 acre lots. Access to east lots will be by a common gravel driveway and a 30 foot easement on the west lot.

The west section/lot will have a 30 foot easement to allow access to the east section/lot.

ATTACHMENTS	
The following attachments must accompany each copy of the application.	
<input checked="" type="checkbox"/>	Survey
<input checked="" type="checkbox"/>	Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
<input checked="" type="checkbox"/>	Property Ownership Affidavit (Exhibit A)
<input type="checkbox"/>	Agent Authorization if application is made by any person other than the property owner (Exhibit B)
<input checked="" type="checkbox"/>	Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
<input checked="" type="checkbox"/>	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 .
<input checked="" type="checkbox"/>	Proof of valid and effective easement for access to the property.

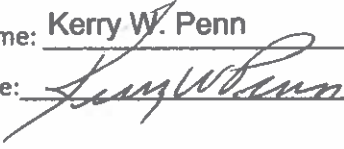
FILING FEES		
*Applications filed to correct existing zoning violations are subject to a double fee.		
<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

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.

<p>Owner(s) Print name: <u>Kerry W. Penn</u> Signature: <u></u></p>	<p>Applicant or Agent (if different than owner) Print name: <u>N/A</u> Signature: _____</p> <p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>
<p>Owner(s) Print name: <u>N/A</u> Signature: _____</p>	

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

EXHIBIT A

Property Ownership Affidavit - Individual

Date: 6/22/2023

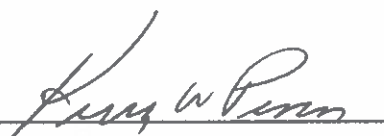
City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:

Address: 12751 Shims Rd RE#(s): RE 106929-0110

To Whom it May Concern:

I Kerry W. Penn hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waver of road frontage submitted to the Jacksonville Planning and Development Department.

By 


Print Name: Kerry W. Penn

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 22 day of June 2023 by Kerry W. Penn, who is personally known to me or who has produced U.S.M.I. as identification and who took an oath.


(Signature of NOTARY PUBLIC)

Brandy Nagy
(Printed name of NOTARY PUBLIC)

 Brandy Nagy
Notary Public
State of Florida
My Commission Expires 01/28/2024
Commission No. GG 951887

State of Florida at Large.
My commission expires: 01/28/2024

Book 8064 Pg 382

THIS INSTRUMENT PREPARED BY:
Lawrence J. Bernard
Morris & Bernard
1403 Dunn Avenue, Suite 20
Jacksonville, Florida 32218

RECORD AND RETURN TO:
Morris & Bernard
1403 Dunn Avenue, Suite 20
Jacksonville, Florida 32218

RE PARCEL ID #: 106929-0060 (cut out)
BUYER'S TIN: 272-48-1338

FOR RECORDER	
Bk:	8064
Pg:	382 - 384
Doc#	95062099
Filed & Recorded	
	04/03/95
	04:29:46 P.M.
HENRY W. COOK	
CLERK CIRCUIT COURT	
DUVAL COUNTY, FL	
REC. \$	15.00
DEED	\$ 201.60

WARRANTY DEED

THIS WARRANTY DEED made this 29th day of March, 1995 by ROBERT T. SHUMAN, hereinafter called Grantor, and whose address is 1151 Star View Drive, West Colombia, SC 29172 to KERRY WILLIAM PENN, hereinafter called Grantee and whose address is 12751 Shims Road, Jacksonville, Florida 32218.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the 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 and NO/100 Dollars 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, lying and being in Duval County, Florida, viz:

See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

3

SUBJECT TO taxes accruing subsequent to December 31, 1994.
SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto 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.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Book 8064 Pg 383

Signed, sealed and delivered in our presence:

Shari J. Smith
Witness Signature SHARI J. SMITH

Robert T. Shuman
ROBERT T. SHUMAN

Witness Printed Signature

Pamela Green

Witness Signature

Pamela Green

Witness Printed Signature

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8th day of March, 1995 by ROBERT T. SHUMAN who produced SC 422 as identification and who did not take an oath.

Notary Public, State and County Aforesaid
Shari J. Smith
Notary Signature SHARI J. SMITH

(Title or Rank)

Notary Printed Signature

(Serial No., if any)

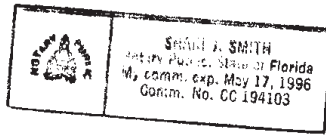


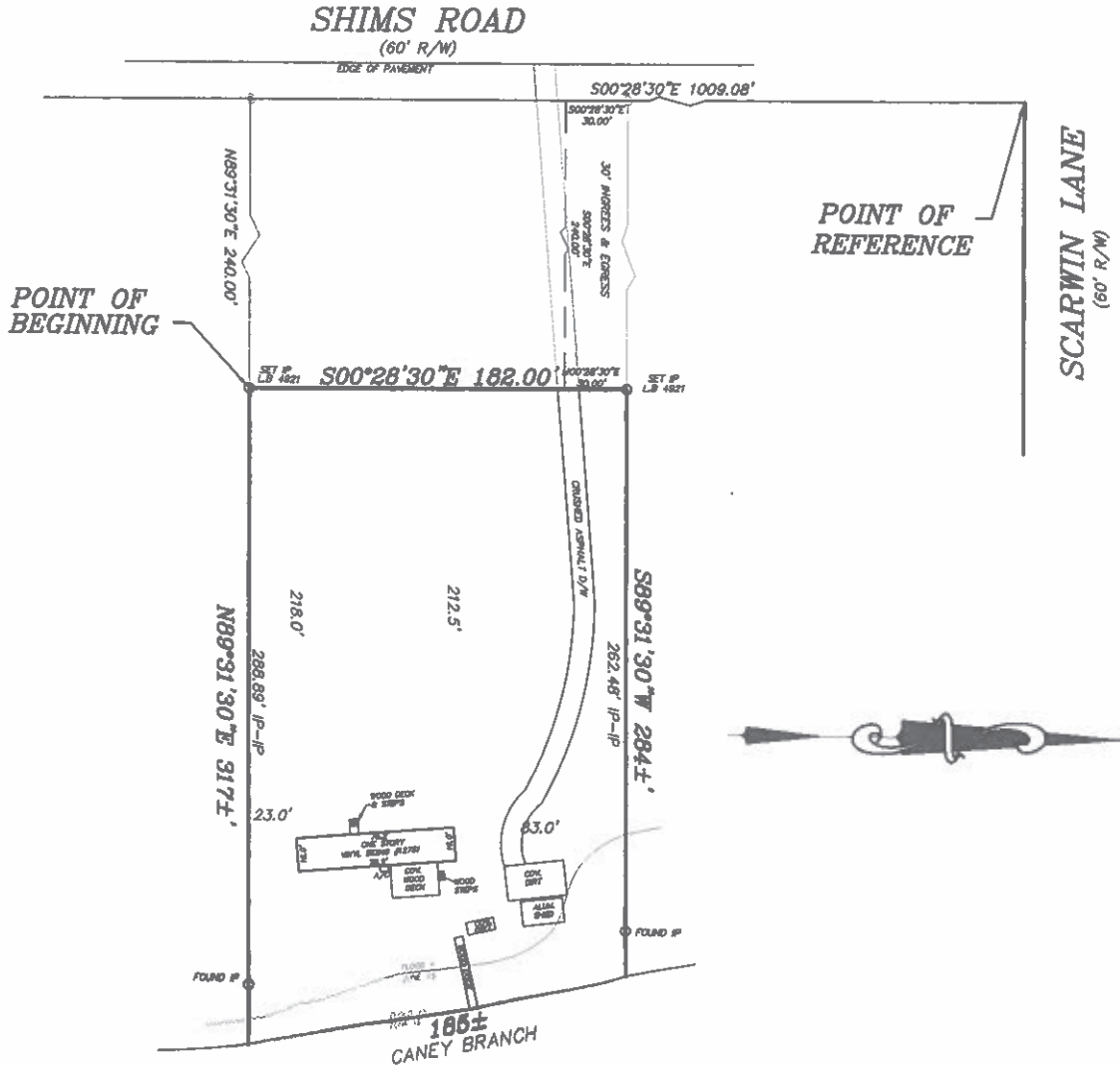
Exhibit "A"

PART OF SECTION 33 OF A SUBDIVISION OF THE JOHN BROWARD GRANT, GOVERNMENT SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SCARWIN LANE AND THE EASTERLY RIGHT-OF-WAY LINE OF SHIMS ROAD (BOTH BEING 60 FOOT RIGHTS-OF-WAY AS NOW ESTABLISHED); THENCE SOUTH 00° 28' 30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SHIMS ROAD, 827.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 28' 30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 182.00 FEET; THENCE NORTH 89° 31' 30" EAST, 569 FEET MORE OR LESS TO THE WATERS OF CANEY BRANCH; THENCE NORTHERLY ALONG SAID WATERS OF CANEY BRANCH, 185 FEET MORE OR LESS TO ITS INTERSECTION WITH A LINE THAT BEARS NORTH 89° 31' 30" EAST, 532 FEET MORE OR LESS FROM THE POINT OF BEGINNING; THENCE SOUTH 89° 31' 30" WEST, 532 FEET MORE OR LESS TO THE POINT OF BEGINNING.

MAP SHOWING BOUNDARY SURVEY OF

PART OF SECTION 33 OF A SUBDIVISION OF THE JOHN BROWARD GRANT, GOVERNMENT SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SCARWIN LANE AND THE EASTERLY RIGHT-OF-WAY LINE OF SHIMS ROAD (BOTH BEING 80 FOOT RIGHT-OF-WAYS); THENCE SOUTH 00°28'30" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF SHIMS ROAD, 1009.08 FEET; THENCE NORTH 89°31'30" EAST, 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°31'30" EAST, 317.00 FEET MORE OR LESS TO THE WATERS OF CANEY BRANCH; THENCE NORTHERLY ALONG SAID WATERS OF CANEY BRANCH, 185.00 FEET MORE OR LESS; THENCE SOUTH 89°31'30" WEST, 284.00 FEET MORE OR LESS; THENCE SOUTH 00°28'30" EAST, 182.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 30 FOOT EASEMENT FOR INGRESS AND EGRESSES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE INTERSECTION OF SAID SCARWIN LANE AND SAID SHIMS ROAD THENCE SOUTH 00°28'30" EAST, 827.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°28'30" EAST, 30.00 FEET; THENCE NORTH 89°31'30" EAST, 240.00 FEET; THENCE NORTH 00°28'30" WEST, 30.00 FEET; THENCE SOUTH 89°31'30" WEST, 240.00 FEET TO THE POINT OF BEGINNING.



CERTIFIED FOR: KERRY WILLIAM PENN

THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD HAZARD ZONE X, X.S.A.E. AS SCALED FROM FLOOD INSURANCE RATE MAP 204 FOR DUVAL COUNTY, FLORIDA, DATED 11-2-2018 AND IS SHOWN AS A COURTESY ONLY AND DOES NOT CONSTITUTE A CERTIFICATION OF SAME.

TRI-STATE LAND SURVEYORS, INC.

5875 MINING TERRACE #209, JACKSONVILLE, FLORIDA 32257 (904) 880-2535

- LEGEND
- CH CONC. MON
- IP IRON PIPE
- RB REBAR
- R/W RIGHT-OF-WAY
- S/W SIDEWALK
- D/W DRIVEWAY
- COV. COVERED AREA
- ± CENTERLINE
- A/C AIR CONDITIONING PAD
- (R) RADIAL DISTANCE
- CONC. CONCRETE
- ESM'T EASEMENT
- B.R.L. BUILDING RESTRICTION LINE
- PC POINT OF CURVE
- PT POINT OF TANGENCY

BEARINGS BASED ON R/W LINE AS SHOWN.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS SURVEY BASED UPON DESCRIPTION AS FURNISHED, AND WITHOUT BENEFIT OF A TITLE BINDER/ABSTRACT OF TITLE AND/OR DEED RESEARCH.

SCALE: 1" = 60'

GLENN M. BROADSTREET, P.S.M. NO. 5814

FIELD WORK DATE: 6-1-2023

SIGNATURE DATE: 6-13-2023

Glenn M. Broadstreet
REGISTERED SURVEYOR AND MAPPER,
STATE OF FLORIDA (LB #4921)

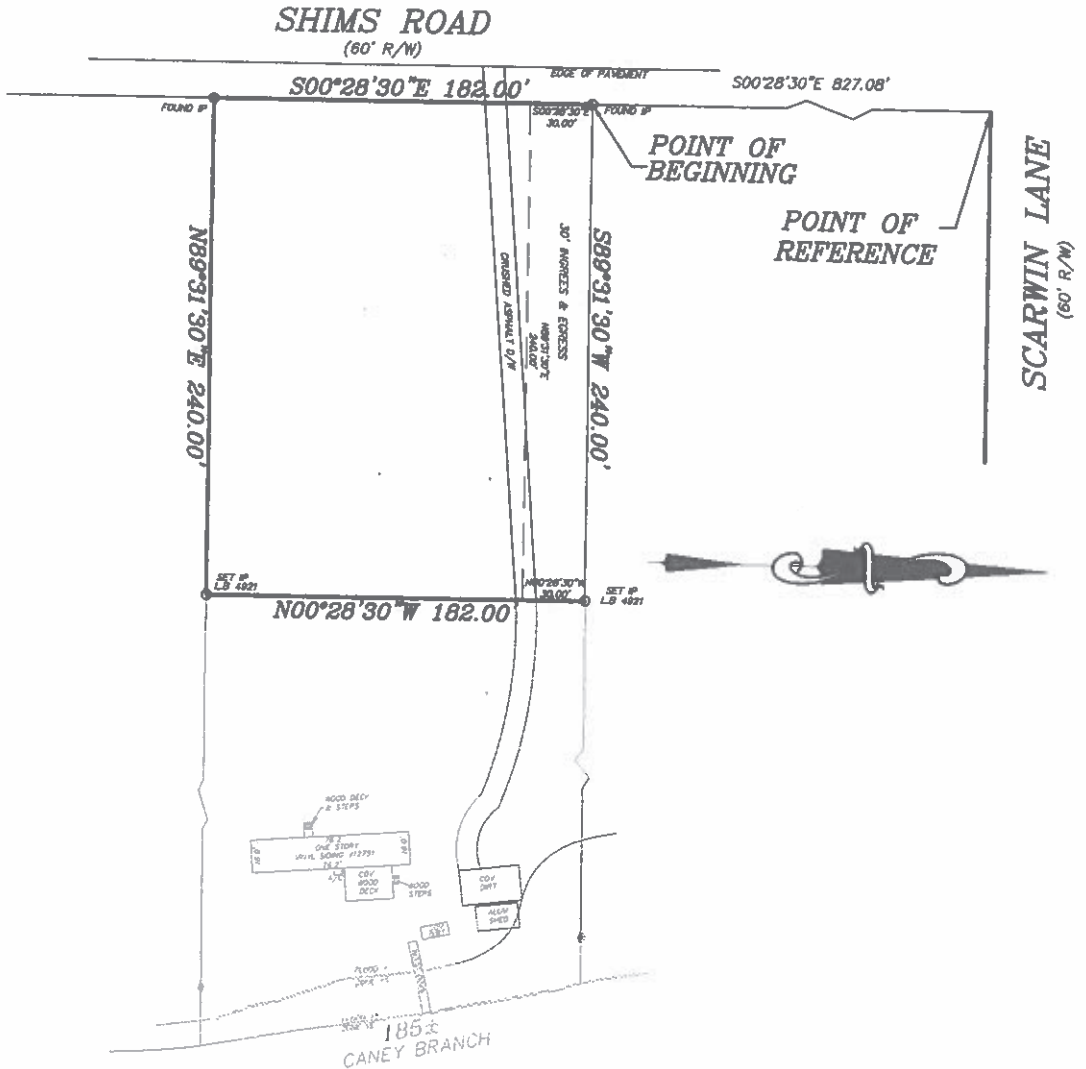


On File

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SUBJECT TO AND TOGETHER WITH A 30 FOOT EASEMENT FOR INGRESS AND EGRESSES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCE AT THE INTERSECTION OF SAID SCARWIN LANE AND SAID SHIMS ROAD THENCE SOUTH 00°28'30" EAST, 827.08 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°28'30" EAST, 30.00 FEET; THENCE NORTH 89°31'30" EAST, 240.00 FEET; THENCE NORTH 00°28'30" WEST, 30.00 FEET; THENCE SOUTH 89°31'30" WEST, 240.00 FEET TO THE POINT OF BEGINNING.



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5875 MINING TERRACE #209, JACKSONVILLE, FLORIDA 32257 (904) 880-2535

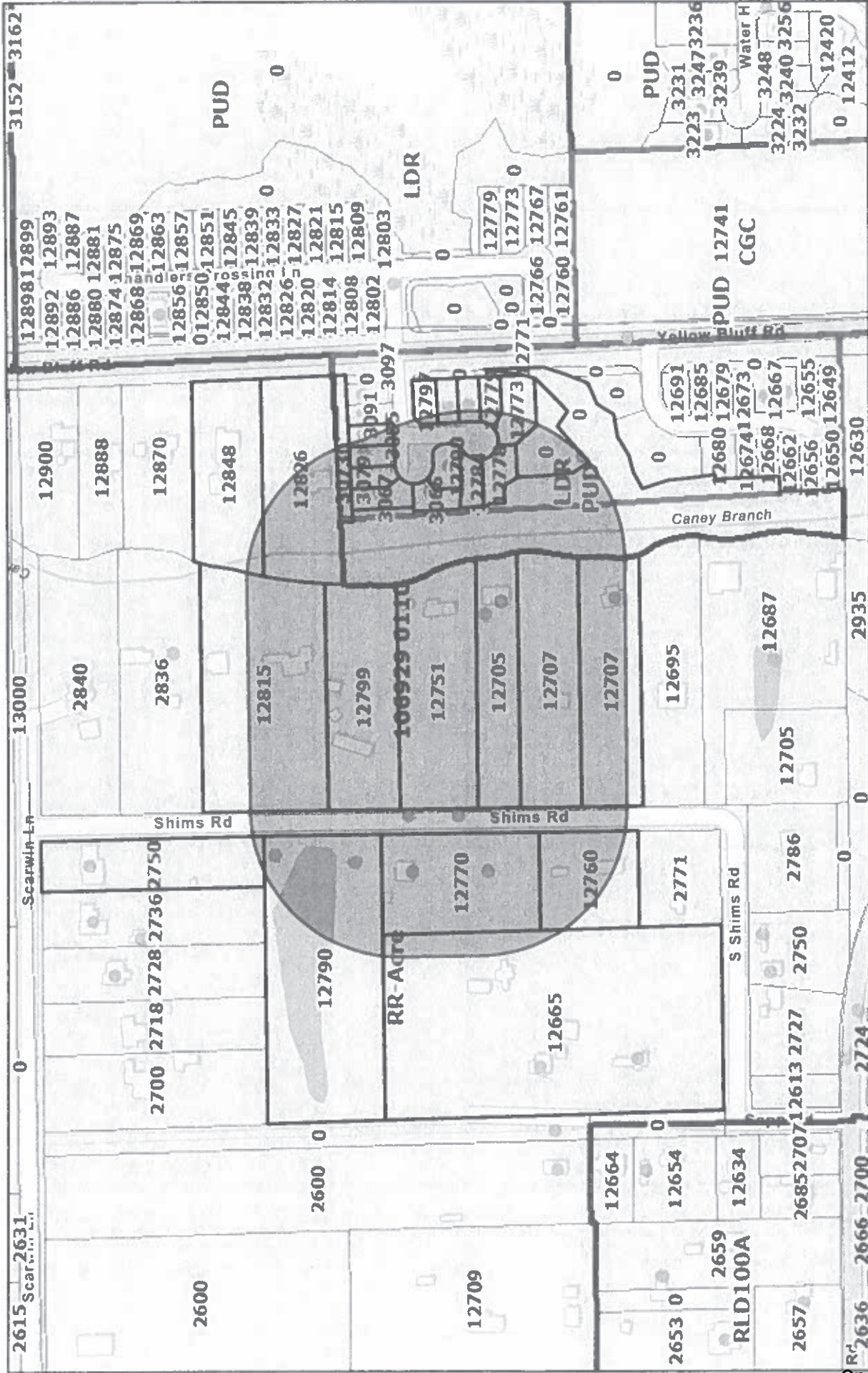
LEGEND	
CM	CONC. MON
IP	IRON PIPE
RB	REBAR
R/W	RIGHT-OF-WAY
S/W	SIDEWALK
D/W	DRIVEWAY
COV.	COVERED AREA
CL	CENTERLINE
A/C	AIR CONDITIONING PAD
(R)	RADIAL DISTANCE
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SCALE: 1" = 60'
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SIGNATURE DATE: 6-13-2023
GLENN M. BROADSTREET, P.S.M. NO. 5814
Glenn M. Broadstreet
REGISTERED SURVEYOR AND MAPPER,
STATE OF FLORIDA (LB #4921)



Land Development Review



Esri Community Maps Contributors, City of Jacksonville, FDEP, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph.

RE	LNAME	LNAME2	MAIL_ADDR1	MAIL_ADDR2	MAIL_ADD	MAIL_CITY	MAIL_MAIL_ZIP
106929 0060	BUSCH DARYLE H TRUST		1492 E 902ND RD			LAWRENCE	KS 66049
106928 0535	CHANDLERS CROSSING OWNERS ASSOCIATION INC		11555 CENTRAL PKWY SUITE 811			JACKSONVILLE	FL 32224
106928 0635	CIOCON NOEL		12773 JOHN CREST CT			JACKSONVILLE	FL 32226
106929 0200	CLIFFS CLEARING & HAULING LLC ET AL		12707 SHIMS RD			JACKSONVILLE	FL 32226
106928 0615	CUYTIS JERRY JR		12797 JOHN CREST CT			JACKSONVILLE	FL 32226
106928 0000	ELWOOD WILLIAM R		12826 YELLOW BLUFF RD			JACKSONVILLE	FL 32226-4800
106928 0625	FKH SFR PROPCO I LP		1850 PARKWAY PL STE 900			MARIETTA	GA 30067
106928 0030	FOLDY KENNETH M		12848 YELLOW BLUFF RD			JACKSONVILLE	FL 32226-4800
106929 0150	GONYEAU MATTHEW T R		12707 SHIMS RD UNIT 1			JACKSONVILLE	FL 32226
106928 0620	GUENTCHEV MIROSLAV G		12791 JOHN CREST CT			JACKSONVILLE	FL 32226
106928 0660	HILL TIMOTHY WAYNE		3067 CHANDLERS CROSSING DR			JACKSONVILLE	FL 32226-4991
106928 0675	HUSIC ELVIR		3085 CHANDLERS CROSSING DR			JACKSONVILLE	FL 32226
106920 0080	JENRETTE DEBORAH A		12760 SHIMS RD			JACKSONVILLE	FL 32226-1746
106898 0020	KITE SARAH R ESTATE		12815 SHIMS RD			JACKSONVILLE	FL 32226-1745
106929 0020	MERRITT JOHN D SR LIFE ESTATE		12665 SAPP RD			JACKSONVILLE	FL 32226-2039
106920 0060	MILLER HEATHER		2750 SCARWIN LN			JACKSONVILLE	FL 32226
106928 0655	PLACHINTA IGOR		3066 CHANDLERS CROSSING DR			JACKSONVILLE	FL 32226
106928 0645	RAULERSON BRANDEN MICHAEL		12784 JOHN CREST CT			JACKSONVILLE	FL 32226-
106920 0100	RUSSELL TERESA GAYLE HATTEN		12790 SHIMS RD			JACKSONVILLE	FL 32226-1746
106928 0650	SCHOTT JESSICA E		12790 JOHN CREST CT			JACKSONVILLE	FL 32226
106928 0630	SFR JV 2 NTL BORROWER LLC		C/O TRICON AMERICAN HOMES LLC	15771 RED HILL AVE STE 100		TUSTIN	CA 92780
106920 0030	SHIRLEY WILLIAM		12770 SHIMS RD			JACKSONVILLE	FL 32226
106928 0665	SMITH ERNEST MAURICE ET AL		3073 CHANDLERS CROSSING DR			JACKSONVILLE	FL 32226
106928 0670	TIMBERLAKE FRANK G		3079 CHANDLERS CROSSING DR			JACKSONVILLE	FL 32226
106898 0090	WATTS KEVIN		12799 SHIMS RD			JACKSONVILLE	FL 32226-1745
106928 0640	YAKIMCHUK DMITRY		12778 JOHN CREST CT			JACKSONVILLE	FL 32226
	M & M DAIRY INC	TERESA L. MOORE				JACKSONVILLE	FL 32226
	THE EDEN GROUP INC.	DICK BERRY					
	NORTH	DR. DONALD GREEN	2940 CAPTIVA BLUFF RD S			JACKSONVILLE	FL 32226