

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE****ORDINANCE 2021-0811 (WRF-21-21)****JANUARY 4, 2022**

Location: 2961 Brougham Avenue

Real Estate Number(s): 166858-0000

Waiver Sought: Reduce Minimum Required Road Frontage from 48 Feet to 0 Feet

Present Zoning: Residential Low Density-60 (RLD-60)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Greater Arlington/Beaches, District 2

Owner/Applicant: Jaquelina Marchese
2961 Brougham Avenue
Jacksonville, Florida 32246

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-0811 (WRF-21-21)** seeks to reduce the required minimum road frontage from 48 feet to 0 feet for a proposed residence. The subject property is the south half of Lot 7 Block 21 in the Golden Glades Plat from 1951. The subject property was subdivided from the northern property (2955 BROUGHAM AVE) in 1997, which removed the Lot of Record status and necessitates the requirement for a waiver. Similar request, within the immediate neighborhood, along Gerona Drive North (Ord. #2021-0542 WRF-21-10) was denied a waiver of road frontage reduction.

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 parcel meets the minimum lot area and width of the zoning district; it fronts on an unimproved Brougham Avenue right of way. The owner would need to construct a road to City standards to meet the road frontage requirement.

- (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 waiver of road frontage, if granted, will reduce the cost of constructing a City approved road. As mentioned earlier, the lot was split from the northern portion in 1997, which removed its lot of record status. Approval of the requested Waiver will encourage the pattern of dividing the platted lots along Brougham Avenue and creating a de facto subdivision without adequate provision for access via an approved public or private road, effectively circumventing Chapter 654 (*Code of Subdivision Regulations*) as well as Section 656.407 (*Lot to have access*) of the Zoning 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?***

Yes. While the proposed waiver will allow the property owner to construct a single family home on a lot that meets the minimum standards of the zoning district, the lot will not meet the road frontage requirement. The property will lack the development standards required by the Code of Subdivision Regulations, such as approved roads, and storm water retention will likely diminish property values or alter the character of the area surrounding the subject parcel.

- (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?***

No. The lot has frontage on Brougham Avenue, which is an unimproved right of way. Brougham Avenue has not been granted approval for private road status by the Department of Public Works.

- (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 Planning and Development Department has concerns that the waiver will create a public health, safety, and welfare concern in that the complete lack of approved road frontage may make finding the lot difficult for fire, rescue, and public services. Access may be very difficult for larger vehicles such as fire trucks and solid waste trucks. Furthermore, the expectation that continued lot splits in the area will result in the creation of a de facto subdivision lacking continuity of development and lacking city-approved roads, drainage, and sidewalks.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **November 16, 2021** by the Planning and Development Department, the required Notice of Public Hearing sign was posted correctly.

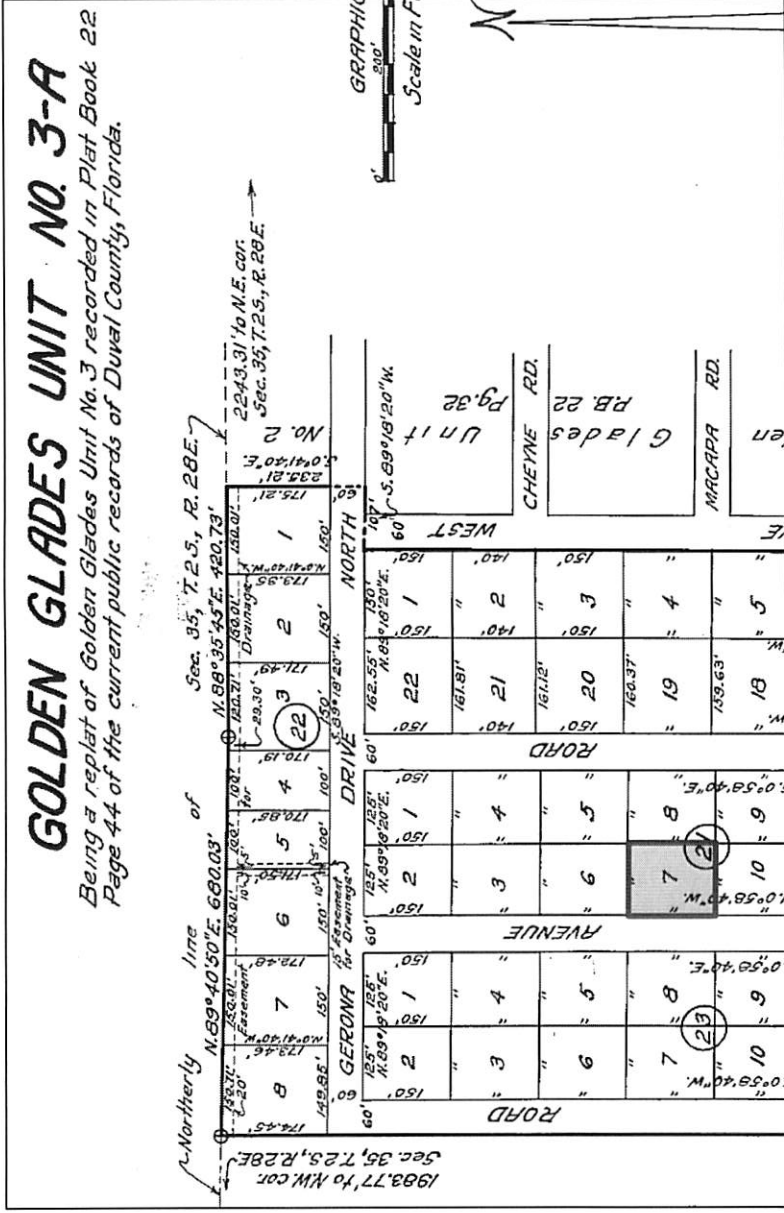


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-0811 (WRF-21-21)** be **DENIED**.



Aerial View
Source: JaxGIS

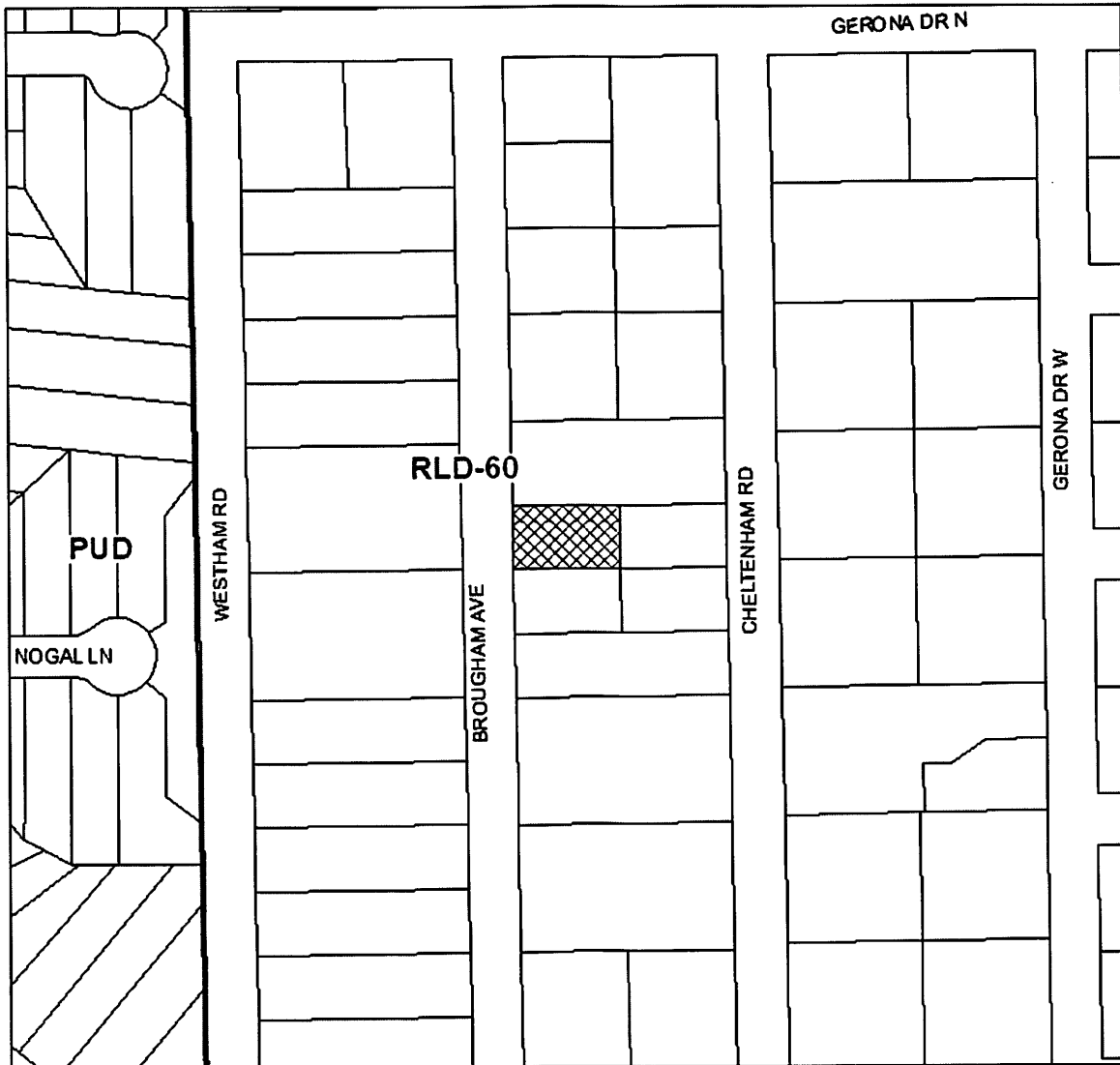


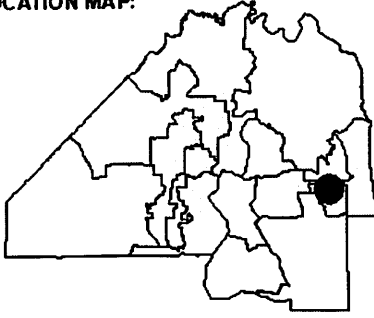



Subject Property

Source: Staff, Planning and Development Department, COJ

Date: 11/16/2021



<p>REQUEST SOUGHT:</p> <p>REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 48 FEET TO 0 FEET</p>	<p>LOCATION MAP:</p> 	 <p>0 65 130 260 Feet</p>
<p>ORDINANCE NUMBER ORD-2021-0811</p>	<p>TRACKING NUMBER WRF-21-21</p>	<p>COUNCIL DISTRICT: 3</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>

Date Submitted:	10/4/21
Date Filed:	10/8/21

Application Number:	WRF-21-21
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:	R6D-60	Current Land Use Category:	LDR
Council District:	3	Planning District:	2
Previous Zoning Applications Filed (provide application numbers):		0	
Applicable Section of Ordinance Code:		656.407	
Notice of Violation(s):			
Neighborhood Associations: WEST BEACHES COMM ASSOC, GOLDEN GLADES NHA			
Overlay: N/A			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee:	Zoning Asst. Initials: <i>SK</i>	

PROPERTY INFORMATION	
1. Complete Property Address: 2961 BROUGHAM AVE	2. Real Estate Number: 166838-0000
3. Land Area (Acres): 0.21	4. Date Lot was Recorded: JULY 9, 2020
5. Property Located Between Streets: Beach BLVD AND GERONIMO N.	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 <u>48</u> feet to <u>0</u> feet.	
8. In whose name will the Waiver be granted? Jaqueline Mandeville	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Jaqueline Marchese	10. E-mail: JackieMarchese@6MAIL.COJ
11. Address (including city, state, zip): 2961 Brougham Ave Jacksonville FL 32246	12. Preferred Telephone: 904-424-7801

APPLICANT'S INFORMATION (if different from owner)	
13. Name:	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.

SEE ATTACHMENT

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.

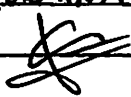
FILING FEES		
*Applications filed to correct existing zoning violations are subject to a double fee.		
<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

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.

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

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

Answers to section 17:

We are seeking a variance for our lot because we wish to build our home on this property. We bought this lot in good faith and did not know that this problem existed since the seller did not reveal this requirement to us. We assumed the lot to be in general compliance since there were a good number of houses built all around our property and the lots have the same footage as ours.

Needless to say, not being able to build on this lot would be a significant financial hardship, as we have committed a large amount of money to this project and we would most likely not be able to recover our investment. We believe that building our house on this property would add to the value of the properties in the area and would be in character with its surroundings. The building of the property would not interfere with or injure the rights of others whose property would be affected by the waiver.

We believe our request for a variance meets the criteria outlined in section 656.133(d) 1 through 5, and we respectfully ask that said variance be granted.

Respectfully,



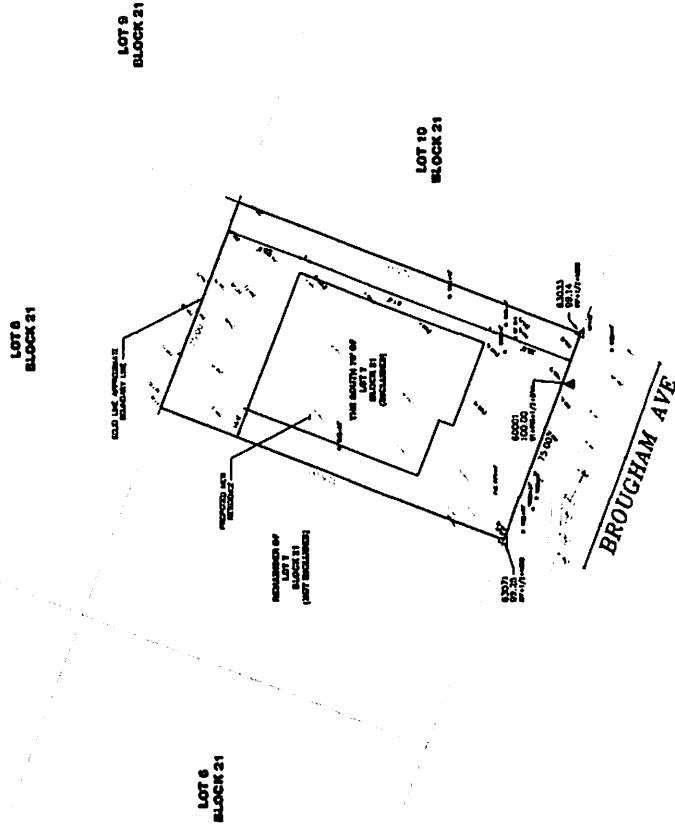
Jaquelina E Marchese

MAP SHOWING A TOPOGRAPHIC SURVEY OF:

THE NORTH 1/4 PART OF LOT 1, BLOCK 11 OF COUNTY CLUSTER NO. 3, REFERENCED TO THE 84-411
 TRACT, AS SHOWN ON PLAT BOOK 21, PAGE 18 OF THE PUBLIC PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.



B.V. & Associates, Inc.
 Engineers • Surveyors • Planners
 (501) Arlington Expressway Suite B 102 • Jacksonville, Florida
 (904) 725-8362 • Fax (904) 725-1433
 LD #7080
 ED #2005



SURVEY CONTROL POINTS				
Description	Δ Control	Monitoring	Existing	Dimension
80007	•	•	•	2168784.2
82633	•	•	•	5098848.9
83071	•	•	•	509794.2
	•	•	•	2168817.3
	•	•	•	509843.7
	•	•	•	881.2

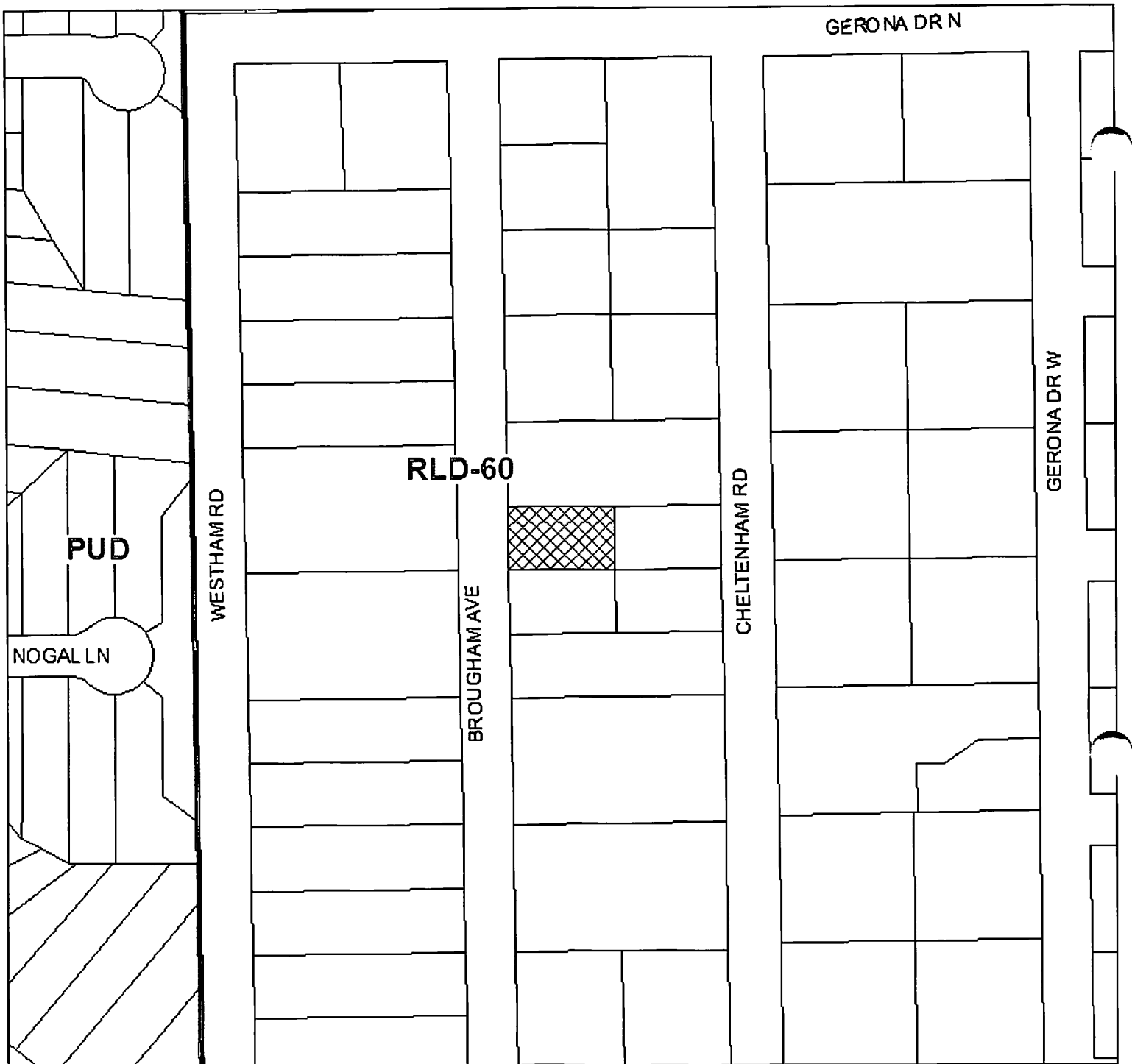
- NOTES**
- THIS MAP WAS PREPARED BY THE SURVEYOR'S OFFICE OF B.V. & ASSOCIATES, INC.
 - AS ORDERED BY CLIENT, THE SURVEY WAS LIMITED TO DIMENSIONS SHOWN AS NOTED ON THIS MAP.
 - THIS MAP WAS PREPARED FOR ILLUSTRATIVE PURPOSES ONLY.
 - SURVEY PERFORMED FROM 1/7/2011.
 - ADDITIONAL CORRECTIONS TO THIS MAP WILL BE MADE ON REQUEST.
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Digitally signed by **Julian Valbyuga**
 Date: 2011.05.14 12:02:56
 DN: cn=Julian Valbyuga, o=B.V. & Associates, Inc., ou=Surveyors, email=jvalbyuga@bvandassociates.com, c=US



EMILIO GONZALEZ CHAVEZ
 PROJECT NAME
 DUVAL COUNTY, FLORIDA

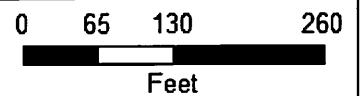
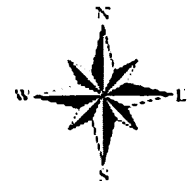
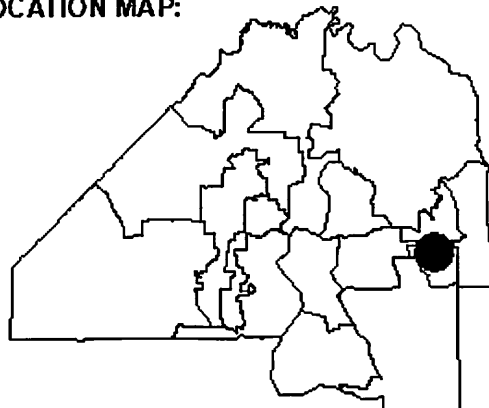
SHEET No. **1**
 OF **1**



REQUEST SOUGHT:

**REDUCE REQUIRED MINIMUM
ROAD FRONTAGE FROM 48
FEET TO 0 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

3

TRACKING NUMBER

WRF-21-21

**EXHIBIT 2
PAGE 1 OF 1**