

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2022-0254 (WRF-22-06)**

**MAY 17, 2022**

***Location:*** 0 Shindler Drive  
Between Bellrose Avenue and Marlee Road

***Real Estate Number(s):*** 015714-0020

***Waiver Sought:*** Reduce Minimum Required Road Frontage from 80 Feet to 62 Feet

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

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Southwest, District 4

***Applicant/Agent:*** Matthew Wilord  
1133 Candlebark Drive  
Jacksonville, FL 32225

***Owner:*** Estefannie Gomez  
8985 Normandy Blvd Lot 213  
Jacksonville, FL 32221

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

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-0254 (WRF-22-06)** seeks to reduce the required minimum road frontage from 80 feet to 62 feet in order to allow for the development of a single-family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District. Per Part 4 of the Zoning Code (Sec.656.407), no dwelling or dwellings may be constructed on a lot in a residential zoning district unless the lot has frontage on a public or approved Private Street equal to not less than 80 percent of the minimum lot width. The subject property is uniquely shaped and approximately 1.35± acres in size. The parcel, according to the submitted survey, has approximately 80 feet of frontage along Shindler drive but decreases to 62 feet. Due to the property not being consistently 80 feet in width to the proposed dwelling results in the need for the waiver of road frontage.

### **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 1.35± acre property exceeds the requirements in order to build one single family dwelling in the zoning district of Residential Rural-Acre (RR-Acre) except for Road Frontage. The subject property fronts Shindler Road, which is considered an approved public right of way, but due to the property dipping in and not having a consistent 80 feet of road frontage results in the need for the waiver of road frontage. Without an approval, the property will remain vacant and will not have the ability to be developed.

- (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 applicant is proposing to construct a single-family dwelling on the site and approval of this request would not change the cost burden on the applicant for the construction of the single-family dwelling. It is not anticipated that the applicant will need relief from any of the requirements of Chapter 654 of the Municipal 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?***

No. The waiver would permit a new single family dwelling to be constructed. It is not anticipated that the construction of the new dwelling will reduce the property values of the neighboring lots, nor would it interfere with the rights of other homeowners. There are a diverse number of lots of varying sizes and shapes in the surrounding 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. As previously mentioned the subject property fronts Shindler Road, which is considered an approved public right of way, but due to the property dipping in and not

having a consistent 80 feet of road frontage results in the need for the waiver of road frontage.

- (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. Shindler Road will provide adequate access to the subject property. There is no detriment to the public health, safety, or welfare, and the development will comply with all other requirements of the Zoning Code.

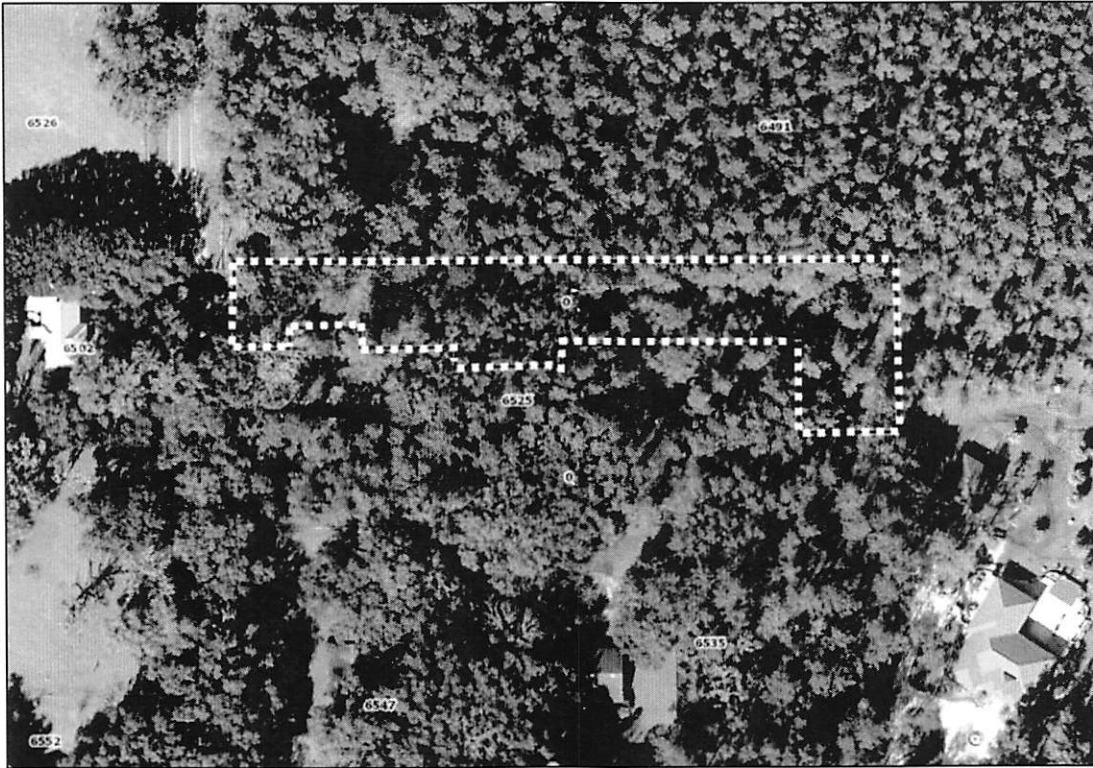
### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **April 21, 2022** by the Planning and Development Department, the required Notice of Public Hearing sign was posted correctly.



### RECOMMENDATION

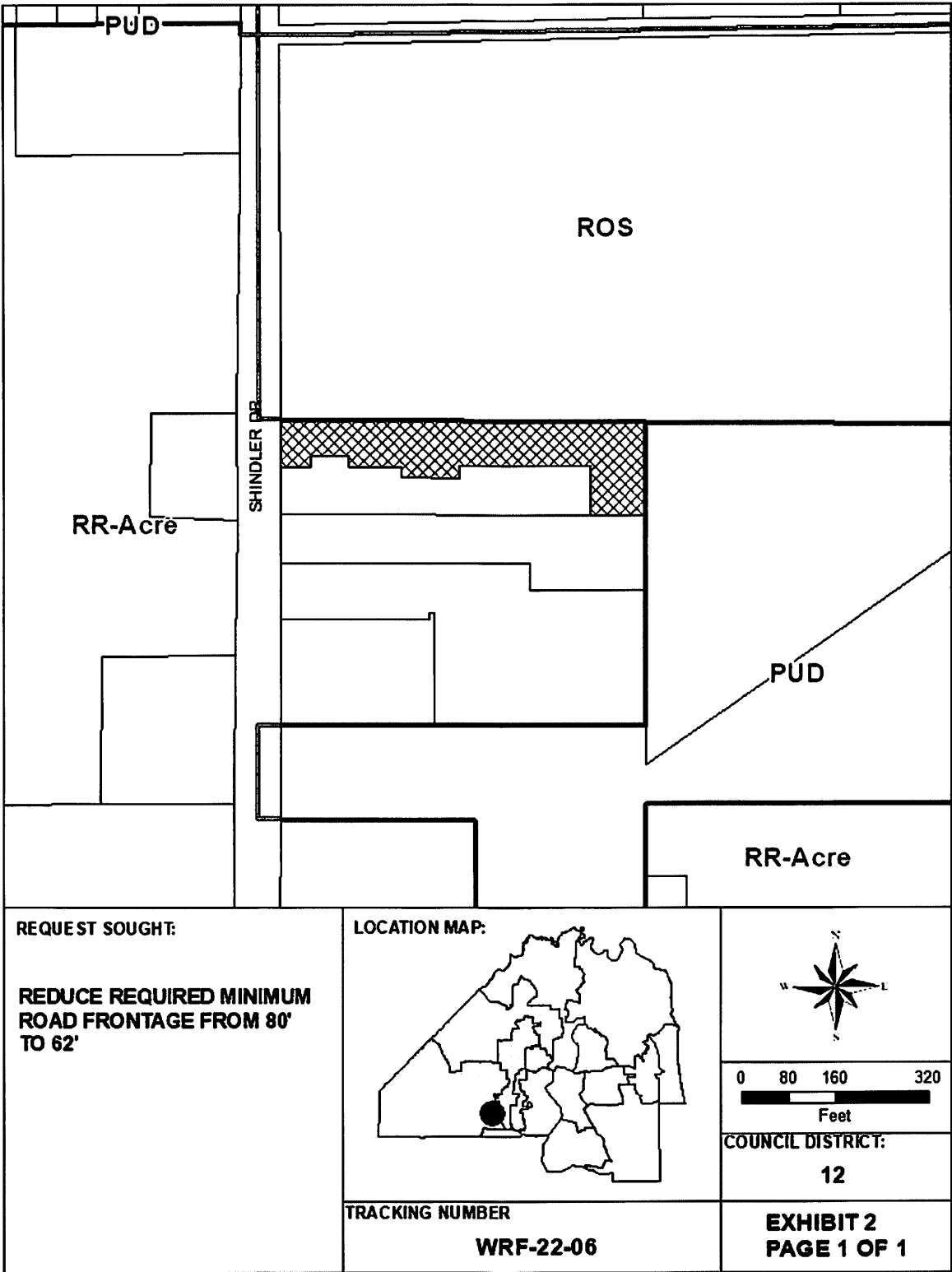
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-0254 (WRF-22-06)** be **APPROVED**.



**Aerial View**  
*Source: JaxGIS*



**Subject Property**  
*Source: Staff, Planning and Development Department, COJ*  
*Date: 04/21/2022*



|                 |         |
|-----------------|---------|
| Date Submitted: | 1/24/22 |
| Date Filed:     | 2/2/22  |

|                     |           |
|---------------------|-----------|
| Application Number: | WRF-22-06 |
| 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-Acre | Current Land Use Category:        | LDR     |
| Council District:   | 12      | Planning District:                | 4       |
| Previous Zoning Applications Filed (provide application numbers): |         | none found                        |         |
| Applicable Section of Ordinance Code:                             |         | 656.304                           |         |
| Notice of Violation(s):   |         | none found                        |         |
| Neighborhood Associations:  |         | none                              |         |
| Overlay:  |         | none                              |         |
| LUZ Public Hearing Date:  |         | City Council Public Hearing Date: |         |
| Number of Signs to Post:  | 1       | Amount of Fee:                    | \$1224. |
|   |         | Zoning Asst. Initials:            | CIC     |

| PROPERTY INFORMATION  |  |
|---|--|
| 1. Complete Property Address:<br>0 Shindler Drive   | 2. Real Estate Number:<br>RE# 015714-0020  |
| 3. Land Area (Acres):<br>1.35   | 4. Date Lot was Recorded:<br>90-15-2021  |
| 5. Property Located Between Streets:<br>Marlee Road and Shindler Drive                              | 6. Utility Services Provider:<br>City Water / City Sewer <input type="checkbox"/><br>Well / Septic <input checked="" type="checkbox"/> |
| 7. Waiver Sought:<br>Reduce Required Minimum Road Frontage from <u>80'</u> feet to <u>62'</u> feet. |  |
| 8. In whose name will the Waiver be granted?<br>GOMEZ, ESTEFANNIE                                   |  |

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

|  |   |
|--|---|
| 9. Name:<br><b>GOMEZ, ESTEFANNIE</b>   | 10. E-mail:<br><b>stef.mg.1988@gmail.com</b>      |
| 11. Address (including city, state, zip):<br><b>8985 Normandy Blvd<br/>Lot 213<br/>Jacksonville FL 32221</b> | 12. Preferred Telephone:<br><b>1-407-928-3084</b> |

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

|  |  |
|--|--|
| 13. Name:<br><b>Matthew Wilford</b>  | 14. E-mail:<br><b>mwilford@matthewwilfordhomes.com</b> |
| 15. Address (including city, state, zip):<br><b>1133 Candlebark Drive<br/>Jacksonville, FL 32225</b> | 16. Preferred Telephone:<br><b>904-910-0192</b>        |

**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.**

**There is not enough road frontage for the zoning district.**



**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 |                       |                                |



