

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2019-433-W**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-19-16, LOCATED
7 IN COUNCIL DISTRICT 6 AT 3977 CLEARWATER LANE,
8 BETWEEN OLDE OAKS DRIVE AND MANDRAKE WOODS
9 COURT (R.E. NO. 158075-0000) AS DESCRIBED
10 HEREIN, OWNED BY AARON SOHL AND LORI SOHL,
11 REQUESTING TO REDUCE THE REQUIRED MINIMUM ROAD
12 FRONTAGE FROM 35 FEET TO 0 FEET IN ZONING
13 DISTRICT RESIDENTIAL RURAL-ACRE (RR-ACRE), AS
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
15 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED
16 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION
17 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN
18 EFFECTIVE DATE.

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20 **WHEREAS**, an application for a waiver of minimum road frontage,
21 **On File** with the City Council Legislative Services Division, was
22 filed by Aaron Sohl and Lori Sohl, the owners of property located
23 in Council District 6 at 3977 Clearwater Lane, between Olde Oaks
24 Drive, and Mandrake Woods Court (R.E. No. 158075-0000) (Subject
25 Property), requesting to reduce the minimum road frontage from 35
26 feet to 0 feet, in Zoning District Residential Rural-Acre (RR-
27 Acre); and

28 **WHEREAS**, the Planning and Development Department has
29 considered the application and all attachments thereto and has
30 rendered an advisory recommendation; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice,

1 held a public hearing and having duly considered both the
2 testimonial and documentary evidence presented at the public
3 hearing, has made its recommendation to the Council; and

4 **WHEREAS**, taking into consideration the above recommendations
5 and all other evidence entered into the record and testimony taken
6 at the public hearings, the Council finds that: (1) there are
7 practical or economical difficulties in carrying out the strict
8 letter of the regulation; (2) the request is not based exclusively
9 upon the desire to reduce the cost of developing the site or to
10 circumvent the requirements of Chapter 654 (Code of Subdivision
11 Regulations); (3) the proposed waiver will not substantially
12 diminish property values in, nor alter the essential character of,
13 the area surrounding the site and will not substantially interfere
14 with or injure the rights of others whose property would be
15 affected by the waiver; (4) there is a valid and effective easement
16 for adequate vehicular access connected to a public street which is
17 maintained by the City, or an approved private street; and (5) the
18 proposed waiver will not be detrimental to the public health,
19 safety or welfare, result in additional expense, the creation of
20 nuisances or conflict with any other applicable law; now, therefore

21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has reviewed the record of proceedings and the Staff Report
24 of the Planning and Development Department and held a public
25 hearing concerning waiver of road frontage Application WRF-19-16.
26 Based upon the competent, substantial evidence contained in the
27 record, the Council hereby determines that the requested waiver
28 meets the criteria for granting a waiver contained in Chapter 656,
29 *Ordinance Code*. Therefore, waiver of road frontage Application WRF-
30 19-16 is hereby **approved**.

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by Aaron Sohl and Lori Sohl, and is legally described in
2 **Exhibit 1**, dated May 23, 2019, graphically depicted in **Exhibit 2**,
3 and includes an easement providing access as shown on **Exhibit 3**,
4 all **attached hereto**. The agent is Kyle Ramsey, 450-106 State Road
5 13 North, #453, St. Johns, Florida 32259; (904) 687-4217.

6 **Section 3. Distribution by Legislative Services.**

7 Legislative Services is hereby directed to mail a copy of this
8 legislation, as enacted, to the applicant and any other parties to
9 this matter who testified before the Land Use and Zoning Committee
10 or the Council, or otherwise filed a qualifying written statement
11 as defined in Section 656.140(c), *Ordinance Code*.

12 **Section 4. Disclaimer.** The waiver granted herein shall

13 **not** be construed as an exemption from any other applicable local,
14 state, or federal laws, regulations, requirements, permits or
15 approvals. All other applicable local, state or federal permits or
16 approvals shall be obtained before commencement of the development
17 or use and issuance of this waiver is based upon acknowledgement,
18 representation and confirmation made by the applicant(s), owner(s),
19 developer(s) and/or any authorized agent(s) or designee(s) that the
20 subject business, development and/or use will be operated in strict
21 compliance with all laws. Issuance of this waiver does **not** approve,
22 promote or condone any practice or act that is prohibited or
23 restricted by any federal, state or local laws.

24 **Section 5. Effective Date.** The enactment of this

25 Ordinance shall be deemed to constitute a quasi-judicial action of
26 the City Council and shall become effective upon signature by the
27 Council President and Council Secretary. Failure to exercise the
28 waiver, if herein granted, by the commencement of the use or action
29 herein approved within one year of the effective date of this
30 legislation shall render this waiver invalid and all rights arising
31 therefrom shall terminate.

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2 Form Approved:

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4 /s/ Shannon K. Eller

5 Office of General Counsel

6 Legislation Prepared By: Arimus Wells

7 GC-#1285179-v1-WRF-19-16