

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2021-0749 (WRF-21-15)

NOVEMBER 16, 2021

Location: 0 Earl Road
Between Fraser Road and Alden Road

Real Estate Number(s): 165322-0020

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: 2- Greater Arlington/Beaches

Applicant/Owner: Trejo Jose Armando Ledesna
3121 Lantana Lakes Drive
Jacksonville, FL 32246

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2021-0749 (WRF-21-15)** seeks to reduce the required minimum road frontage from 48 feet to 0 feet in order to allow for the development of one single-family dwelling in the Residential Low Density-60 (RLD-60) Zoning District. The subject property is approximately 1.85± acres in size and is accessed from Earl Road, which is an unimproved city right of way. The subject property is a small portion of lot 5 of the original plotted Sunnydale Acres subdivision and therefore is not considered a Lot of Record and is required to apply for a waiver for any future development.

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 1.85± acre property far exceeds the requirements to build one single family dwelling in the zoning district of Residential Low Density-60 except for Road Frontage. The subject property fronts on an unimproved Earl Road 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)?***

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 this construction. 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 a new dwelling will reduce the property values of the neighboring lots, nor would it interfere with the rights of other homeowners.

- (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?***

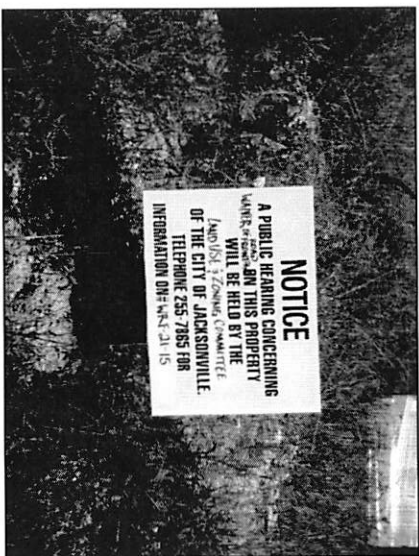
Yes. The property owner has approximately 180 feet of frontage along Earl Road, a local roadway, but is considered a City unimproved Right of Way.

- (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. The unimproved Earl Road ROW 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 **October 19, 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 2021-0749 (WRF-21-15)** be **APPROVED**.



Aerial View
Source: JaxGIS



Subject Property

Source: Staff, Planning and Development Department, COJ

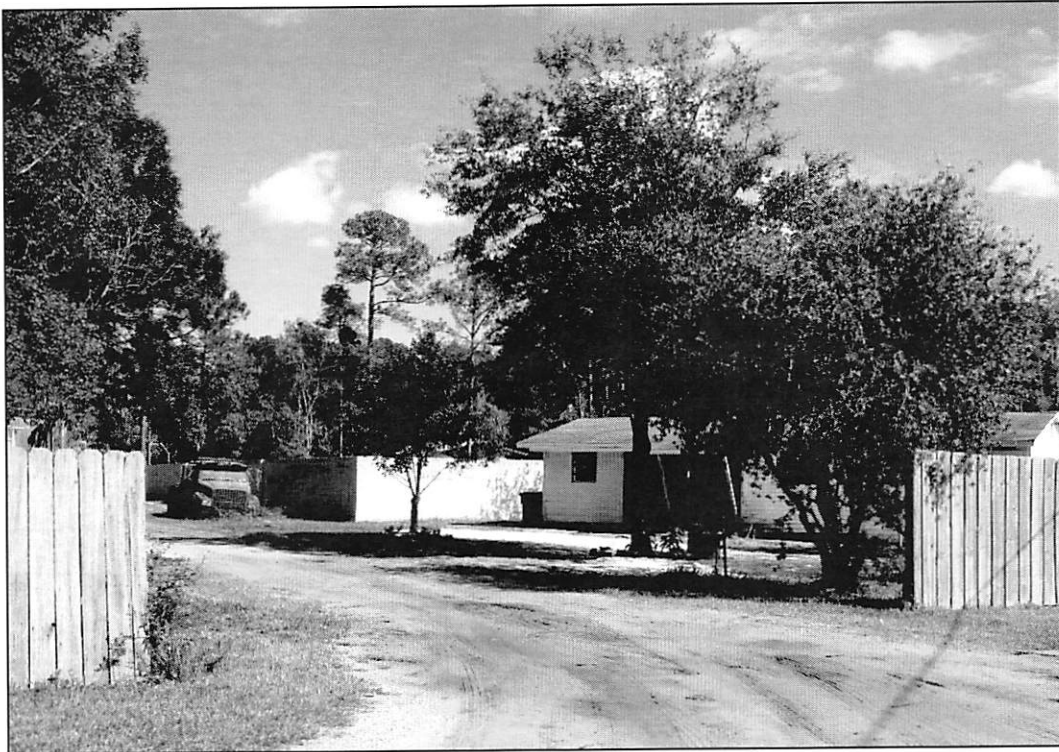
Date: 10/19/2021



View of Property to the South

Source: Staff, Planning and Development Department, COJ

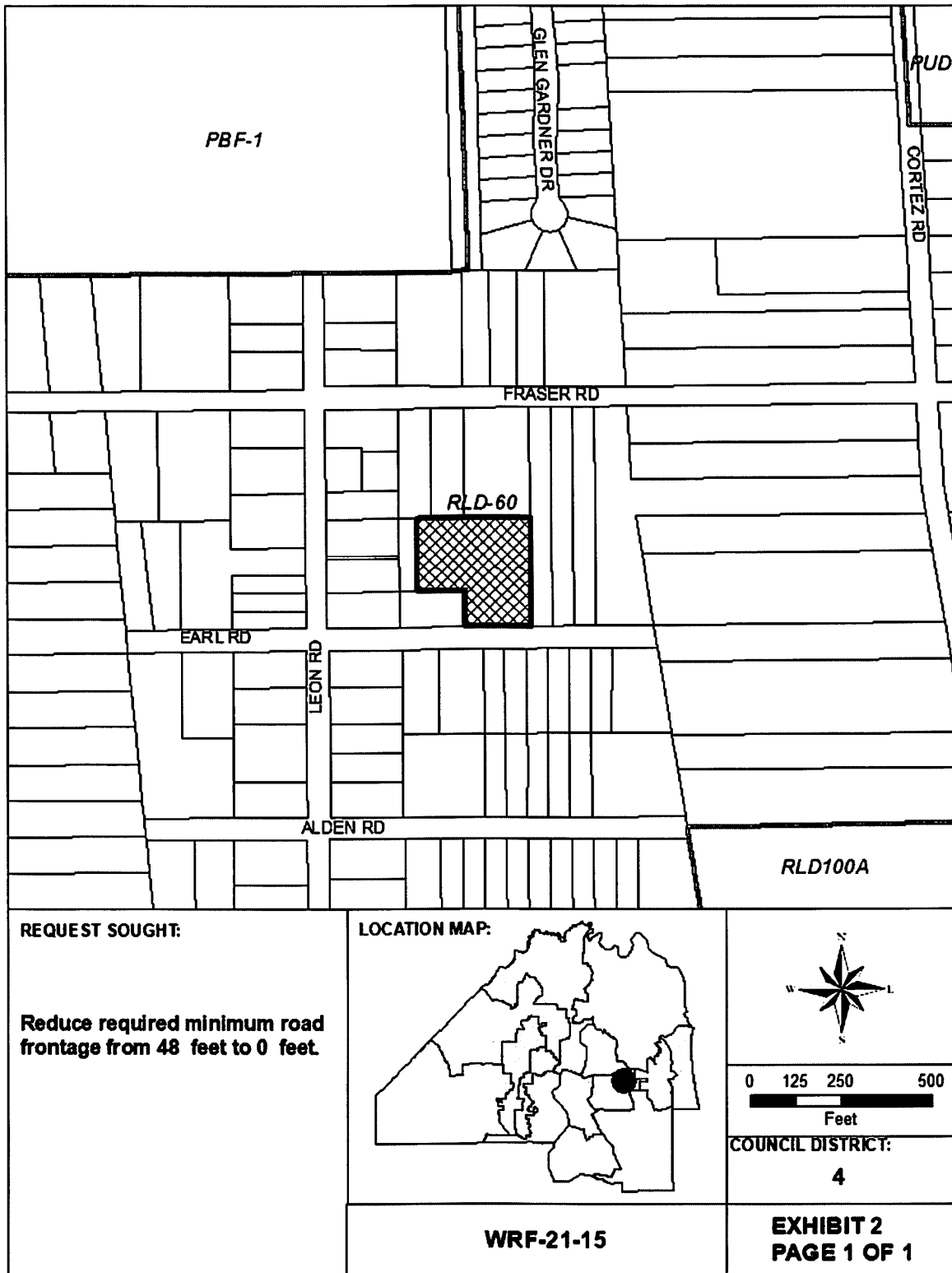
Date: 10/19/2021



View of Property to the West

Source: Staff, Planning and Development Department, COJ

Date: 10/19/2021



Date Submitted:	8/19/21
Date Filed:	8/21/21

Application Number:	WRF-21-15
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: <u>R-37-60</u>	Current Land Use Category: <u>LDR</u>
Council District: <u>4</u>	Planning District: <u>2</u>
Previous Zoning Applications Filed (provide application numbers): <u>0</u>	
Applicable Section of Ordinance Code: <u>(904-305 (A) (1) (B) (C))</u>	
Notice of Violation(s):	
Neighborhood Associations: <u>ALLIANT NEIGHBORHOOD ASSN. SUNSHINE (STATE) TWO ASSN</u>	
Overlays: <u>N/A</u>	
City Public Hearing Date:	City Council Public Hearing Date:
Number of Signs to Post:	Amount of Fee:
	Zoning Ass'n Initials: <u>SM</u>

PROPERTY INFORMATION	
1. Complete Property Address: <u>0 Earl Rd, 32246</u>	2. Real Estate Number: <u>165322-0020</u>
3. Land Area (Acres): <u>1.85</u>	4. Date Lot was Recorded: <u>4/29/21</u>
5. Property Located Between Streets: <u>Lean Rd</u> <u>Earl Rd</u>	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>60</u> ^{48'} feet to <u>0</u> feet.	
8. In whose name will the Waiver be granted? <u>Trejo Jose Armando Ledesma</u>	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Trejo Jose Armando Ledesna	10. E-mail: Buches198813@gmail.com
11. Address (including city, state, zip): 3121 Lantana Lakes Dr Jax FL 32246	12. Preferred Telephone: 904-718-0250

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

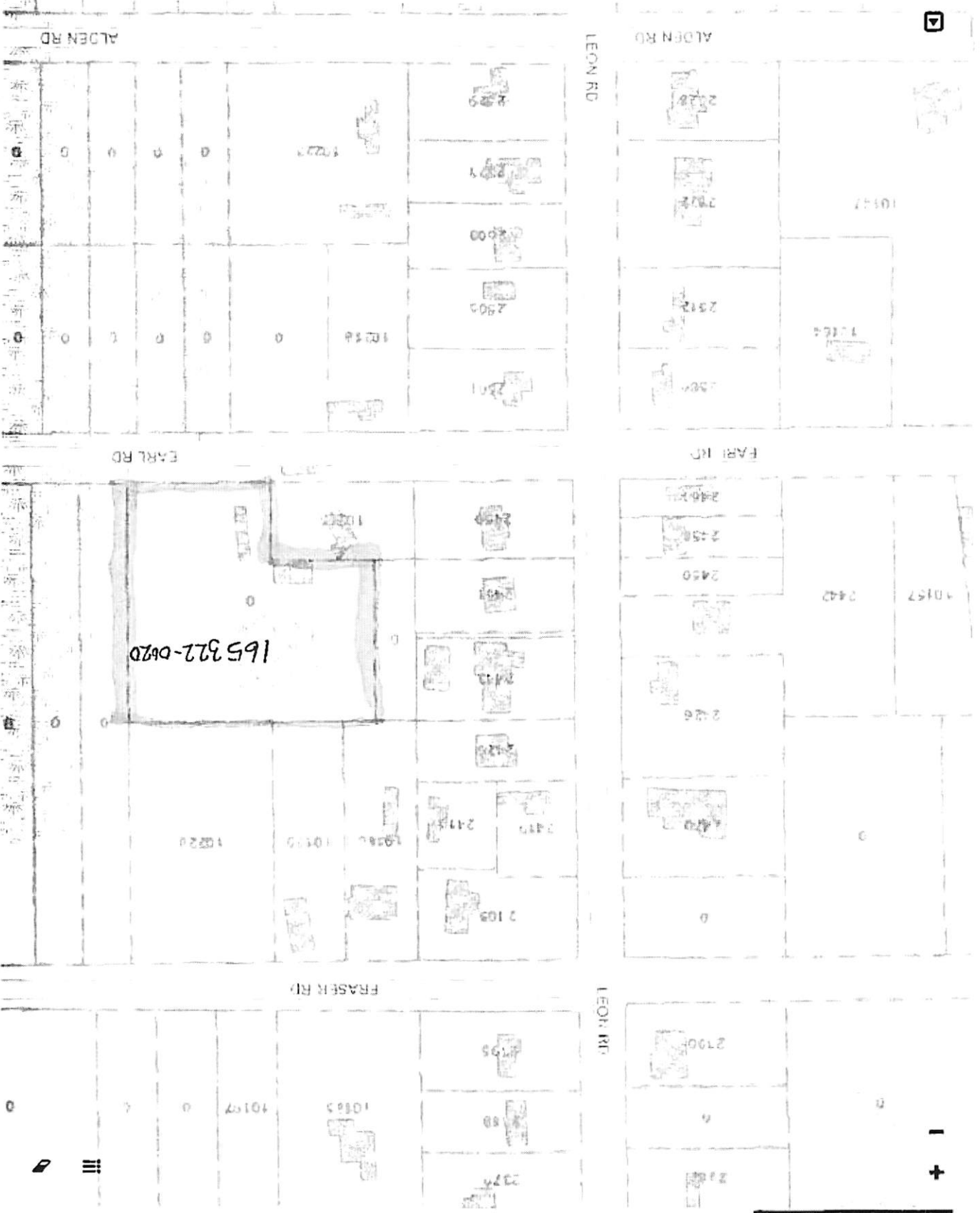
CRITERIA
<p>Section 656.101(l), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."</p> <p>Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the City 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.

There is a 60' Cleared Road
leading up to the property.

There homes right next to this
property using the same
60' Right of way

Exhibit 2



Site Plan / Survey

Site Plan / Survey

