

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE****ORDINANCE 2020-0612 (WRF-20-24)****November 17, 2020**

Location: 1703 Pecan Park Road
Between Pecan Park Road and Arnold Road

Real Estate Number(s): 109648-0020

Waiver Sought: Reduce the distance from a proposed alcohol license location to a church or school from 1,500 feet to 754 feet.

Present Zoning: Agriculture (AGR)

Current Land Use Category: Agriculture- IV (AGR- IV)

Planning District: 6-North

Owner/Applicant: William Drew
1703-1 Pecan Park Road
Jacksonville, Florida 32218

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-0612 (WRF-20-24)** seeks to reduce the required minimum road frontage from 35 feet to 0 feet in order to allow a single-family dwelling in the Agriculture-IV (AGR) Zoning District. Located on a 2.5 acre parcel, the property will be accessed via a 20 foot wide easement to Pecan Park Road at the intersection of Pecan Park Road and Arnold Road.

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 property was split away from a larger 30.8 acre parcel of land that is only accessed from the small easement. The applicant was deeded the property from their grandfather in order to build a single family dwelling. There is a practical difficulty in that the only access way to the property today is from the 20 foot easement on the southwestern portion of the property.

If approved, the request will result in development of a property that is consistent with the size, uses and essential character of the surrounding area. The building permit process will ensure that existing single-family dwelling comply with the minimum requirements of the Zoning Code (Part 4) for aesthetic quality, and with all applicable provisions of the Florida Building Code for public health, safety and welfare.

- (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 request does not have the effect of reducing the cost of development, and it does not circumvent the requirements of Chapter 654. It is presumed that the proposed single-family dwelling will result in net costs and expenditures to the owner rather than a net savings. The property has the minimum land area for the AGR Zoning District criteria to accommodate a single-family structure.

- (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 will not substantially diminish property values or alter the essential character of the surrounding area, nor interfere with the rights of others. The most affected neighbors are family member of the applicant, and have lots that all meet the minimum requirements of the AGR Zoning District.

- (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. There is a valid and effective easement for adequate vehicular access connected to a public street. This is evidenced by the attached warranty deed which indicates a 20 foot access easement for ingress and egress to Pecan Park Road.

- (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. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general development pattern in the area, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will not result in the creation of a nuisance. Furthermore, the development of the site still must comply with the Land Development Procedures and permitting requirements. The property's frontage and shared easement is sufficient to permit access to the site by fire/rescue, service and utility vehicles.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **November 6, 2020** by the Planning and Development Department the required Notice of Public Hearing sign **was not** posted.

RECOMMENDATION

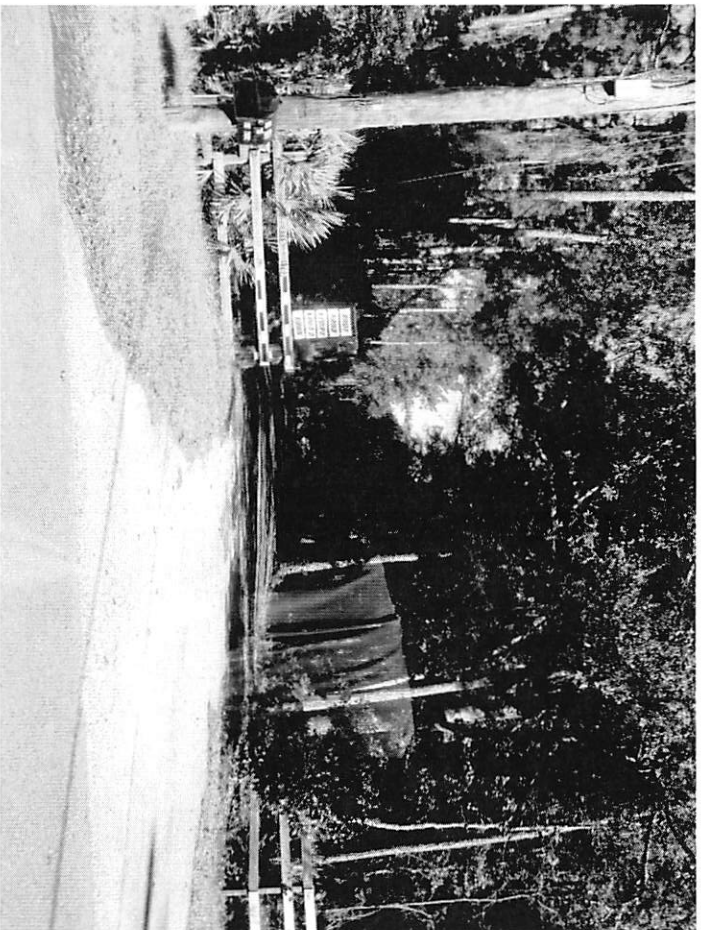
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-0612 (WRF-20-24)** be **APPROVED**.



Aerial View

Source: JaxGIS

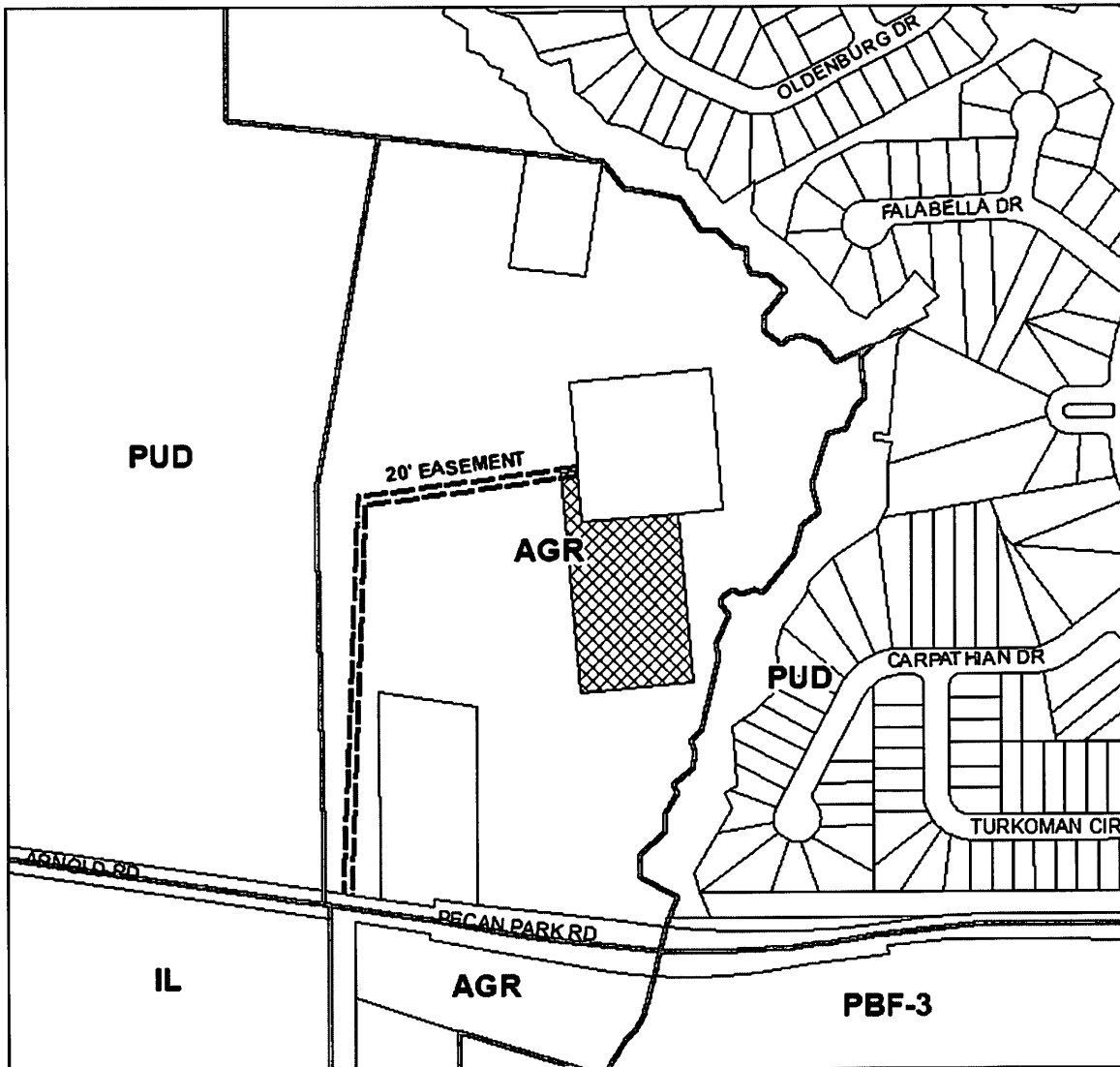
Date: November 6, 2020



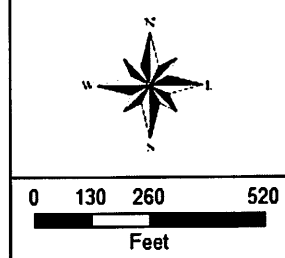
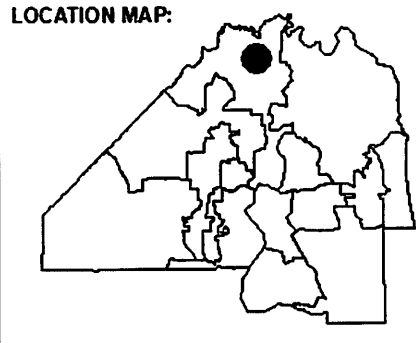
View of the Easement Entrance

Source: Planning and Development Department

Date: November 2, 2020



REQUEST SOUGHT:
REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 35' TO 0'



COUNCIL DISTRICT:
7

TRACKING NUMBER
WRF-20-24

EXHIBIT 3
PAGE 1 OF 1

Legal Map

1701 Pecan Park Rd

Date Submitted:	8-28-20
Date Filed:	9-10-20

AUG 28 2020

Application Number:	WRF-20-24
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:	AGR	Current Land Use Category: AGR IV
Council District:	7	Planning District: 6
Previous Zoning Applications Filed (provide application numbers): None Found		
Applicable Section of Ordinance Code:		
Notice of Violation(s):		
Neighborhood Associations: North, The Eden Group Inc		
Overlay:		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 2	Amount of Fee: \$	Zoning Asst. Initials: mldm

PROPERTY INFORMATION	
1. Complete Property Address: 1701 Pecan Park Rd	2. Real Estate Number: 019-600-0130
3. Land Area (Acres): 2.51	4. Date Lot was Recorded: 6/26/2020
5. Property Located Between Streets: Pecan Park Rd Arnold Rd	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 60 35' feet to 0 feet.	
8. In whose name will the Waiver be granted? William Drew	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: William Drew	10. E-mail: Billy.Drew@att.net
11. Address (including city, state, zip): 1703-1 Pecan Park Rd Jacksonville, FL, 32218	12. Preferred Telephone: 904-655-2914

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.

My grandfather deeded 2.5 acres of
of his parcel to me, the property does
not have any road frontage but has
a legal easment as indicated on the
Survey. I am in need of having the
road frontage reduced so that I am
able to provide with obtaining an address

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>William Drew</u> Signature: <u>William Drew</u></p>	<p>Applicant or Agent (if different than owner) Print name: _____ 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: _____ 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

CORRECTIVE QUIT-CLAIM DEED

THIS QUIT CLAIM DEED, made this 23rd day of June, 2020, between OWEN WINGATE and NANCY R. WINGATE, his wife, whose address is 1703 Pecan Park Road, Jacksonville, Florida 32218 ("Grantor"), and WILLIAM C. DREW, whose address is 1703-1 Pecan Park Road, Jacksonville, Florida 32218 ("Grantee").

WITNESSETH: Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable considerations, to them in hand paid by the Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, its successors and assigns forever, the following described land, situate and lying and being in the County of Duval, State of Florida, to wit:

A parcel of land situated in Section 39, Township 1 North, Range 26 East, Duval County, Florida; said parcel being more particularly described as follows: Commence at the centerline intersection of Pecan Park Road (North-South segment) and Arnold Road, and run North 02°10'00" East, 30.69 feet to an iron pipe on the Northerly right of way line of Pecan Park Road as per the DOT right of way maps; thence run North 81°39'10" West, along said Northerly right of way line a distance of 50.00 feet to an iron rod; thence run North 00°12'04" East, 937.75 feet to an iron, thence run North 07°00'36" East, 65.23 feet to an iron rod; thence run North 72°03'29" East, 611.04 feet to an iron rod; thence South 05°00'57" East 208.69 feet to the point of beginning; thence run South 82°26'00" West, 39.55 feet to an iron rod; thence run South 04°57'11" East, 514.52 feet to an iron rod; thence run North 85°02'52" East 265.00 feet to an iron rod; thence North 04°57'08" West, 395 feet; thence South 85°02'52" West 225 feet; thence N 05°00'57" West 121.32 feet to the point of beginning.

Together with a 20 foot easement for ingress and egress situated in Section 39, Township 1 North, Range 26 East, Duval County, Florida, as follows: Commence at the centerline intersection of Pecan Park Road (North-South segment) and Arnold Road, and run N 02°10'00" East, 30.69 feet to an iron pipe on the Northerly right of way line of Pecan Park Road as per the DOT right of way maps and the beginning of the centerline of a 20 foot easement for ingress and egress; thence run North 02°10'00" East, 927.96 feet; thence run North 82°26'00" East, 528.78 feet, more or less to the terminus of said easement with the intersection of the Westerly line of the parcel conveyed.

Title to the lands described herein has not been examined by an attorney and no warranty or other representation is made and no opinion (either expressed or implied) is given, as to the marketability or condition of the title to the subject property, the quantity of lands included therein, the location of the boundaries thereof, of the existence of liens, unpaid taxes or encumbrances.

THIS CORRECTIVE DEED IS BEING EXECUTED AND RECORDED FOR THE PURPOSE OF CORRECTING THE LEGAL DESCRIPTION CONTAINED IN THE QUIT-CLAIM DEED RECORDED IN OR BOOK 19064 PAGE 352 OF THE DUVAL COUNTY PUBLIC RECORDS.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said party of the first part, either in law, or equity, to the only proper use, benefit and behoof of said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Jenny Williams
WITNESS SIGNATURE
Jenny Williams
WITNESS PRINTED NAME
William C. Drew
WITNESS SIGNATURE
William C. Drew
WITNESS PRINTED NAME

Owen Wingate
OWEN WINGATE
Nancy R. Wingate
NANCY R. WINGATE

STATE OF FLORIDA
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 23^d day of June,
2020, by OWEN WINGATE and NANCY R. WINGATE, his wife, who produced
personally known as identification.

[Handwritten Signature]

Signature of person taking acknowledgment

Lawrence J. Bernard

Printed name of person taking acknowledgment

Expiration Date of Commission:
Commission Number:

Prepared By/Return to:
Lawrence J. Bernard, Esquire
480 Busch Drive
Jacksonville, Florida 32218



EXHIBIT A

Property Ownership Affidavit - Individual

Date: 8-16-2020

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: _____ RE#(s): 019-600-0130

To Whom it May Concern:

I William Drew hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of Minimum Required submitted to the Jacksonville Planning and Development Department. Road Frontage

By William C Drew

Print Name: William Drew

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 16th day of August 2020, by William Drew, who is personally known to me or who has produced _____ as identification and who took an oath.

Carol A. Watkins

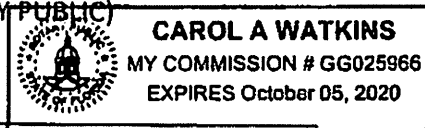
(Signature of NOTARY PUBLIC)

Carol A. Watkins

(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires:



PARCEL 2

A PARCEL OF LAND SITUATED IN SECTION 39, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE CENTERLINE INTERSECTION OF PECAN PARK ROAD (NORTH-SOUTH SEGMENT) AT ARNOLD ROAD, A RUN NORTH 02° 10' 00" EAST, 30.09 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT OF WAY OF PECAN PARK ROAD AS PER THE D.O.T. RIGHT OF WAY MAPS; THENCE RUN NORTH 81° 39' 10" WEST, ALONGSAID NORTHERLY RIGHT OF WAY LINE A DISTANCE OF 50.00 FEET TO AN IRON ROD; THENCE RUN NORTH 00° 12' 04" EAST, 937.75 FEET TO AN IRON THENCE RUN NORTH 07° 0' 36" EAST, 65.23 FEET TO AN IRON ROD; THENCE RUN NORTH 72° 03' 29" EAST, 611.04 FEET TO AN IRON ROD; THENCE SOUTH 05° 00' 57" EAST 208.69 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 82° 26' 00" WEST, 39.55 FEET TO AN IRON ROD; THENCE RUN SOUTH 04° 57' 11" EAST, 514.52 FEET TO AN IRON ROD; THENCE RUN NORTH 85° 2' 48" EAST, 264.99 FEET TO AN IRON ROD; THENCE RUN NORTH 04° 57' 8" WEST, 395.00 FEET; THENCE SOUTH 85° 2' 52" WEST 225.00 FEET; THENCE IN 05° 00' 57" WEST 121.32 FEET TO THE POINT OF BEGINNING.

EASEMENT

TOGETHER WITH A 20' EASEMENT FOR INGRESS AND EGRESS SITUATED IN SECTION 39, TOWNSHIP 1 NORTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, FOLLOWS: COMMENCE AT THE CENTER LINE INTERSECTION OF PECAN PARK ROAD (NORTH-SOUTH SEGMENT) AND ARNOLD ROAD, AND RUN IN 02° 10' 00" EAST, 30.09 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT OF WAY PECAN PARK ROAD AS PER THE D.O.T. RIGHT OF WAY MAPS, IN THE BEGINNING OF THE CENTER LINE OF A 20' EASEMENT FOR INGRESS AND EGRESS; THENCE RUN NORTH 02° 10' 00" EAST, 927.96 FEET; THENCE RUN NORTH 82° 26' 00" EAST, 528.78 FEET, MORE OR LESS, TO THE TERMINUS OF SAID EASEMENT WITH INTERSECTION OF THE WESTERLY LINE OF THE PARCEL CONVEYED.

CERTIFIED TO AND FOR THE
EXCLUSIVE BENEFIT OF:

O.C. EASEMENT
FROM ROAD
CA INTERSECTION

PECAN PARK ROAD

L1	-	N02°10'00"E	30.00'	03
L2	-	N01°30'10"W	50.00'	03
L3	-	N02°10'00"E	33.20'	03

S11.15° 09' E 253.00'
S04°57'11" W 386.00'

PARCEL 2
2.51 ACRES +/-

S11.15° 09' E 253.00'

S04°57'11" W 386.00'

N04°57'09" W 386.00'

S05°02'52" N 223.00'
S05°02'52" N 330.18' 00
S05°02'52" N 330.18' 00

S11.15° 09' E 253.00'

S04°57'11" W 386.00'

S04°57'09" E 223.00' 03

N02°03'00" E 580.70' 03

N02°03'29" E 611.04' 03

F.I.P. 1/2" NO 10

N00°07'46" E 428.00'

N00°04'37" W 428.35'

GRAVEL ROAD

GRAVEL ROAD

GRAVEL ROAD

N04°57'09" W 386.00'

4P

C.L.S.

F.I.P. 1/2" NO 10

S11.15° 09' E 253.00'

S11.15° 09' E 253.00'

S11.15° 09' E 253.00'

NET PART OF THIS SURVEY

NET PART OF THIS SURVEY

COVERED AREA

COVERED AREA

COVERED AREA

COVERED AREA

COVERED AREA

COVERED AREA

COVERED AREA

POINT OF BEGINNING

F.I.P. 1/2" NO 10

GATE

NET

N04°10'00" E 227.80' 03

C/L 20' EASEMENT