

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**JUNE 7, 2022**

***Location:*** 0 Ft. George Road between Heckscher Drive and Palmetto Avenue

***Real Estate Number(s):*** 168206-0020

***Waiver Sought:*** Reduce Required Minimum Road Frontage from 80 feet to 55 feet.

***Present Zoning:*** Residential Rural-Acre (RR-Acre)  
Residential Low Density-100A (RLD-100A)  
Conservation (CSV)

***Current Land Use Category:*** Rural Residential (RR)  
Conservation (CSV)

***Planning District:*** North, District 6

***Agent:*** Vitina Pelot / Elaina Chmura  
14701 Philips Highway  
Jacksonville Florida 32256

***Owner:*** Donald Holmes  
5458 Skylark Court  
Jacksonville Florida 32257

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-313** (WRF-22-16) seeks to reduce the required minimum road frontage from 80 feet to 55 feet for construction of a single family dwelling on 1.02 acres. The request for waiver of road frontage was originally approved in 1997 as V-97-158. However the variance was never commenced.

**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 has no direct access to Ft. George Road. The City of Jacksonville Real Estate Division indicates that the City maintains Ft. George Road from Heckscher Drive northerly to the intersection with Beatty Road. However there is no public right of way, the City maintains two feet on either side of the pavement. The subject property does not front on the portion of Ft. George Road that is maintained by the City. There appears to a parcel that is owned by another that lies between the subject property and Ft. George Road.

- (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. This request is not based exclusively upon the desire to reduce the cost of developing the site or Chapter 654.

- (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 subject property is currently undeveloped and 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. The proposed single-family dwelling will not be of character with the surrounding neighborhood.

- (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 City of Jacksonville Real Estate Division indicates that the City maintains Ft. George Road from Heckscher Drive northerly to the intersection with Beatty Road. However there is no public right of way, the City maintains two feet on either side of the pavement. The subject property does not front on the portion of Ft. George Road that is

maintained by the City. According to the Property Appraiser, parcel RE# 168207-0000 lies between Ft. George Road and the subject parcel.

- (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. There will be little to no effect on public health safety and welfare as the requested waiver will allow for one additional home in an area where lots already lack direct road frontage.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 23, 2022 by the Planning and Development Department the required Notice of Public Hearing sign **was not** posted.

### RECOMMENDATION

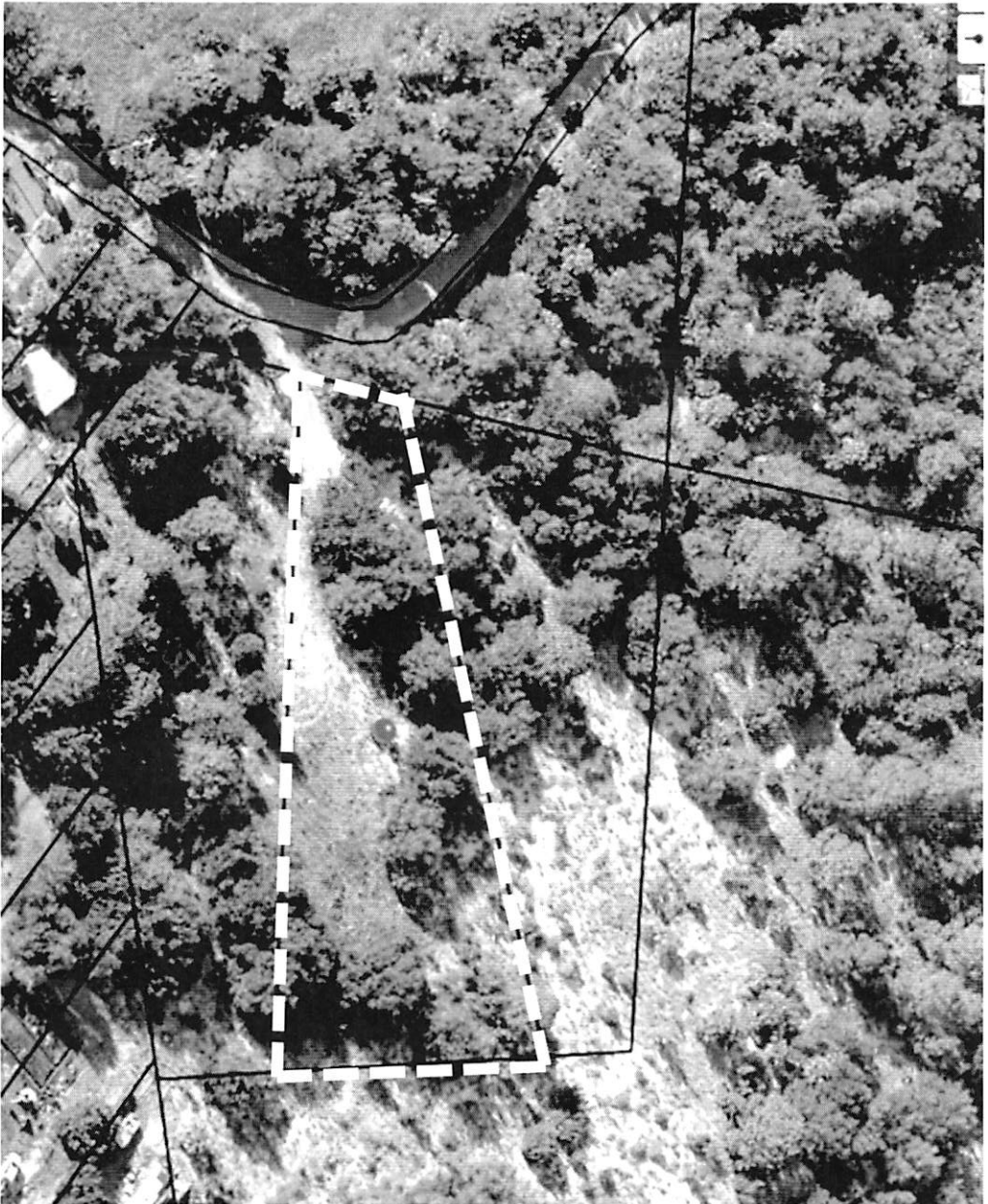
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-313 (WRF-22-16)** be **DENIED**.



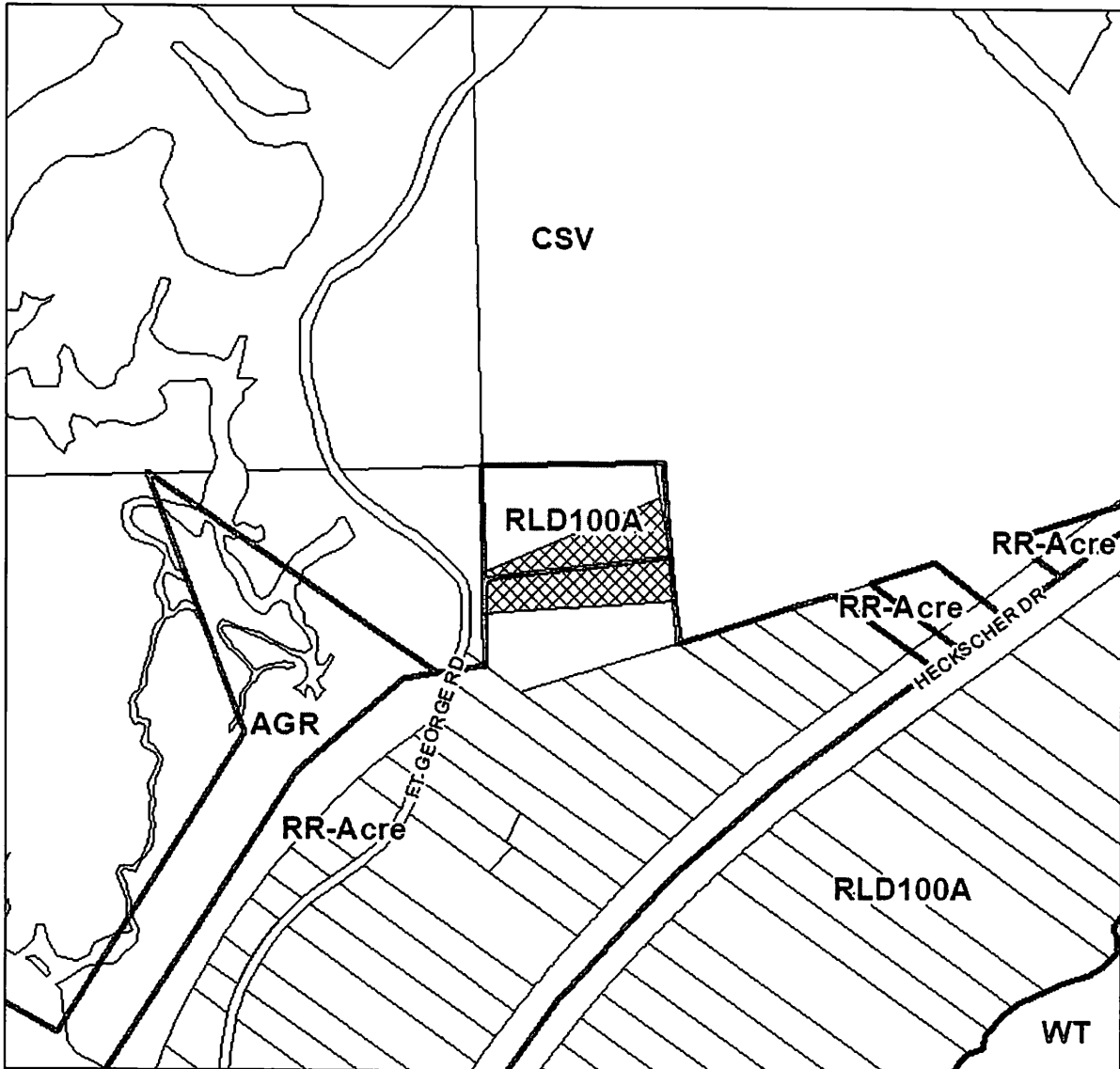
View along Ft. George Road

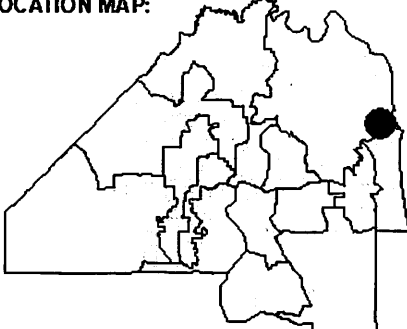
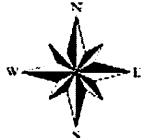
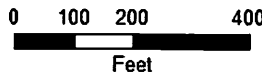


View of proposed lot



Aerial view of subject property



<p><b>REQUEST SOUGHT:</b> REDUCTION IN ROAD FRONTAGE FROM 80 FEET TO 0 FEET</p>	<p><b>LOCATION MAP:</b></p> 	<p>  <b>COUNCIL DISTRICT:</b> 2</p>
<p><b>ORDINANCE NUMBER</b> ORD-2022-0313</p>	<p><b>TRACKING NUMBER</b> WRF-22-16</p>	<p><b>EXHIBIT 2</b> <b>PAGE 1 OF 1</b></p>

DEPARTMENT OF PUBLIC WORKS  
Real Estate Division



October 3, 1997

**MEMORANDUM**

**TO:** Daphne Summers Schmidt, Environmental Planner  
Comprehensive Planning Division

**FROM:** Patricia W. Brown, Chief  
Real Estate Division

A handwritten signature in black ink, appearing to read "Patricia W. Brown", written over the "FROM:" line.

**SUBJECT:** Ft. George Island Outparcels

Attached is a memo from Streets and Drainage in response to your September 8, 1997 memo to this office. If you have any further questions, please call me at 630-1600.

Thank you.

/sdp

cc: Jeffrey W. Beck, P.E., Acting Chief, Streets and Drainage  
John H. Crofts, Chief, Comprehensive Planning Division  
Jim Overton, Council President, Chair, JLTC

RECEIVED

OCT 1997



DEPARTMENT OF PUBLIC WORKS  
Streets and Drainage Division



MEMORANDUM

RECEIVED

OCT 02 1997

REAL ESTATE DIVISION

TO: Patricia W. Brown, Chief  
Real Estate Division

FROM: Jeffrey W. Beck, P.E., Acting Chief  
Streets and Drainage Division

DATE: September 30, 1997

SUBJECT: Ft. George Rd. - from Heckscher Dr. to Ft. George State Park

Research indicates that the Streets and Drainage Division maintains the above referenced road from Heckscher Dr. northerly to the intersection with Beatty Rd. at the north end. Of this 14,000 ± feet of maintained road, only that portion between Admiral Blue Rd and Ft. George Ribualt Rd. is dedicated public right-of-way (see attached map).

Based on previous opinion by the General Council's Office, and Florida Statute Ch. 95.361 our maintenance area for the undedicated portion is approximately two (2) feet beyond either side of the edge of pavement. The above stated dedicated portion of right-of-way is sixty (60) feet in width.

The Engineering Division is currently surveying the entire length of this road in order to prepare Maintenance and Usage maps to be recorded for future reference.

If you should have any further questions regarding this matter please feel free to contact me or Monroe Hazen at 630-1341.

JWB:WMH





Date Submitted: 2/23/22
Date Filed: 3/23/22

Application Number: SW-22-01
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: CRO, RLD-60	Current Land Use Category: RPI, LDR	
Council District: 7	Planning District: 6	
Previous Zoning Applications Filed (provide application numbers): N/A		
Applicable Section of Ordinance Code: Part 13		
Notice of Violation(s): N/A		
Neighborhood Associations: Councilman R. Gaffney		
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 5	Amount of Fee: 1341.00	Zoning Asst. Initials: SK

PROPERTY INFORMATION	
1. Complete Property Address: 14200 Duval Rd Jacksonville FL 32218	2. Real Estate Number: 019659-0000, 019366-0000, 019373-0020
3. Land Area (Acres): 10.93	4. Date Lot was Recorded: N/A
5. Property Located Between Streets: Duval Road and Duval Place West	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from <u>80</u> feet to <u>0</u> feet.	
8. In whose name will the Waiver be granted?	

<b>OWNER'S INFORMATION (please attach separate sheet if more than one owner)</b>	
9. Name: <b>Donald Holmes</b>	10. E-mail: <b>holmes5458@bellsouth.net</b>
11. Address (including city, state, zip): <b>5458 Skylark Court. Jacksonville, FL 32257</b>	12. Preferred Telephone: <b>(904) 234-7851</b>

<b>APPLICANT'S INFORMATION (if different from owner)</b>	
13. Name: <b>Vitina Pellet / Elaina Chmura</b>	14. E-mail: <b>vitina.pellet@dreamfindershomes.com</b>
15. Address (including city, state, zip): <b>14701 Philips Highway Jacksonville FL 32256</b>	16. Preferred Telephone: <b>904-441-0850</b>

<b>CRITERIA</b>
<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"> <li><i>i. There are practical or economic difficulties in carrying out the strict letter of the regulation;</i></li> <li><i>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);</i></li> <li><i>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;</i></li> <li><i>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;</i></li> <li><i>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.</i></li> </ul>

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.

This request was originally granted as a variance in 1997. The approved variance number is V-97-158 - approval attached. We are requesting that this be reinstated and issued as a waiver of road frontage to allow access to the property so permitting and construction of a home on this property can commence. All documentation regarding the original request is attached.

**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.coj.net/pao\\_propertySearch/Basic/Search.aspx](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>.
- 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: DONALD C. HOLMES

Signature: [Signature]

**Applicant or Agent (if different than owner)**

Print name: VITINA C PELLOTT

Signature: [Signature]

*\*An agent authorization letter is required if the application is made by any person other than the property owner.*

**Owner(s)**

Print name: Karen C. Holmes

Signature: [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, 2<sup>nd</sup> Floor  
Jacksonville, Florida 32202  
(904) 255-8300

**Legal Description**  
**Exhibit 1**  
**January 23, 2022**

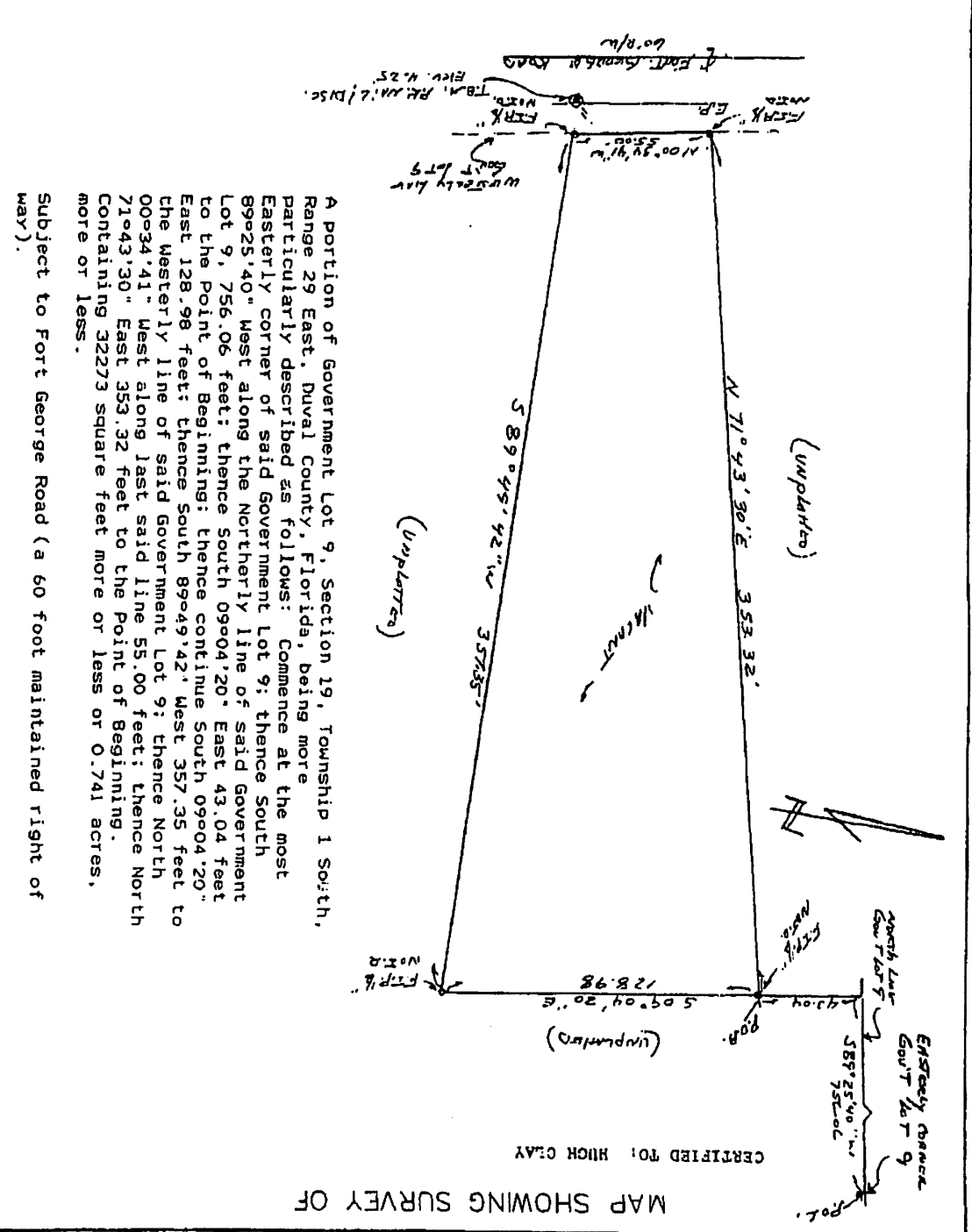
EXHIBIT "A"

A portion of Government Lot 9, Section 19, Township: South, Range 29 East, Duval County, Florida, being more particularly described as follows: Commence at the most Easterly corner of said Government Lot 9; thence South 89°25'40" West along the Northerly Line of said Government Lot 9, 756.06 feet; thence South 09°04'20" East 43.04 feet to the point of Beginning; thence continue South 09°04'20" the Westerly line of said Government Lot 9; thence North 71°43'30" East 353.32 feet to the point of Beginning. Containing 32273 square feet more or less of 0.741 acres, more or less.

Subject to Fort George Road (a 60 foot maintained right of way).

NOTES: According to the Federal Emergency Management Agency (FEMA) Map No. 10002-01-0001-10000, the property depicted herein appears to be in Zone X, which is a Special Flood Hazard Area.		DATE: 8-21-96 DRAWN BY: [Signature] SCALE: 1" = 50'
CERTIFICATION: I HEREBY CERTIFY that the survey shown herein meets Minimum Technical Standards as set forth in Chapter 61017-8, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.		DEVIÑO & ASSOCIATES, INC. ENGINEERS & SURVEYORS 3605 U.S. 1 SOUTH, SUITE #3 ST. AUGUSTINE, FLORIDA 32086 804-787-1887 FAX 904-787-2048
PROFESSIONAL LAND SURVEYOR L.S. #4820 NICHOLAS H. FRANZLIN L.H. #47072		REVISIONS:

NO.	DATE	DESCRIPTION
1	8-21-96	Original Survey
2	8-21-96	As per field notes
3	8-21-96	As per field notes
4	8-21-96	As per field notes
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100	8-21-96	As per field notes



MAP SHOWING SURVEY OF  
 CERTIFIED FOR HIGH CLAY  
 FROM :  
 FAX NO. :  
 Oct. 01 2006 04:00PM P3





**Property Ownership Affidavit - Individual**

Date: 4/19/2022

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: **0 Ft. George Road**  
RE#(s): **168206-0020**

To Whom it May Concern:

I hereby certify that Donald C. Holmes is the Owner of the property described in Exhibit 1 in connection with filing application(s) for

Waiver of Road Frontage submitted to the Jacksonville Planning and Development Department.

By [Signature]

Print Name: Donald C. Holmes

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me by means of  physical presence or  online notarization, this 19<sup>th</sup> day of April 2022, by Donald C. Holmes who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)

Mercedes M. Stock  
(Printed name of NOTARY PUBLIC)



State of Florida at Large.  
My commission expires: 2/27/2024

**Agent Authorization – Individual**

Date: 4/19/2022

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: 0 Ft. George Road

RE#(s): 168206-0020

To Whom it May Concern:

You are hereby advised that Donald C. Holmes, as \_\_\_\_\_ of \_\_\_\_\_

hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers Vitina Pellet & Elaina Chmura to act as agent to file application(s) for Waiver of Road Frontage for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

By: [Signature]

Print Name: Donald C Holmes

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me by means of  physical presence or  online notarization, this 19<sup>th</sup> day of April 2022 by Donald C. Holmes, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.



[Signature]  
(Signature of NOTARY PUBLIC)

Mercedes M Stock  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: 2/27/2024

**FINAL ORDER OF THE PLANNING COMMISSION  
OF THE CITY OF JACKSONVILLE, FLORIDA  
GRANTING ZONING VARIANCE**

**No. V-97-158**

**WHEREAS**, Hugh Clay, the owner of the real property described in this order, applied for a zoning variance applicable to that property in RLD-B District to reduce the required road frontage from 80 feet to 55 feet; and

**WHEREAS**, the Planning and Development Department has reviewed the application and has made a recommendation, which has been duly considered by the Planning Commission; and

**WHEREAS**, upon review of the testimony presented, and examination of the documentary and other evidence presented to the Planning Commission at the public hearing on January 29, 1998 regarding said application, this Commission makes the following findings and conclusions:

1. The pie shaped configuration of the property constitutes unique and peculiar circumstances which create an undue and unnecessary hardship.
2. The variance is the minimum necessary to alleviate the hardship given the size and configuration of the property.
3. The need for the variance is not the result of the property owner, as the lot was created in 1983 and the applicant purchased it in 1995.
4. The Planning Commission adopts by reference herein the findings in Item IV and V of the Report of the Planning and Development for Application for Zoning Variance V-97-158, a copy of which is attached hereto as Exhibit "A" and incorporated by reference herein.
5. The effect of the variance will be in harmony with the intent of the relevant area of the Zoning Coded.

**NOW THEREFORE**, based upon the foregoing findings of fact and conclusions derived therefrom, it is **ORDERED** by the Planning Commission:

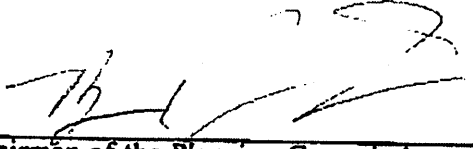
1. The owner of the real property described herein is hereby granted a zoning variance from the requirements of Chapter 656 of the Ordinance Code of the City of Jacksonville permitting a reduction in the required road frontage from 80 feet to 55 feet in the RLD-B District.
2. The land as to which this zoning variance is granted by this order is owned by Hugh Clay, and described as follows:

See Exhibit "B" attached hereto and made a part hereof.

3. The variance herein granted shall be transferable and shall run with the title to the property.

4. This order shall become effective as of the 29<sup>th</sup> day of January, 1998. Failure to exercise the variance herein granted by commencement of the use or action herein approved within one year of the effective date of this order shall render this variance invalid, and all rights arising therefrom shall terminate.

Executed this 12<sup>th</sup> day of February, 1998.

  
\_\_\_\_\_  
Chairman of the Planning Commission,  
City of Jacksonville, Florida

  
\_\_\_\_\_  
Secretary of the Planning Commission

FORM APPROVED:

  
\_\_\_\_\_  
ASSISTANT GENERAL COUNSEL

Copies to:

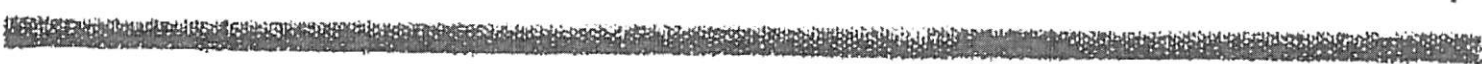
Hugh Clay  
4622 Ramona Boulevard  
Jacksonville, Florida 32205

EXHIBIT "A"

A portion of Government Lot 9, Section 1<sup>9</sup>, Township : South, Range 29 East, Duval County, Florida, being more particularly described as follows: Commence at the most Easterly corner of said Government Lot 9; thence South 89°25'40" West along the Northerly line of said Government Lot 9, 756.06 feet; thence South 09°04'20" East 43.04 feet to the Point of Beginning; thence continue South 09°04'20" East 128.98 feet; thence South 89°49'42" West 357.35 feet to the Westerly line of said Government Lot 9; thence North 00°34'41" West along last said line 55.00 feet; thence North 71°43'30" East 353.32 feet to the Point of Beginning. Containing 32273 square feet more or less or 0.741 acres, more or less.

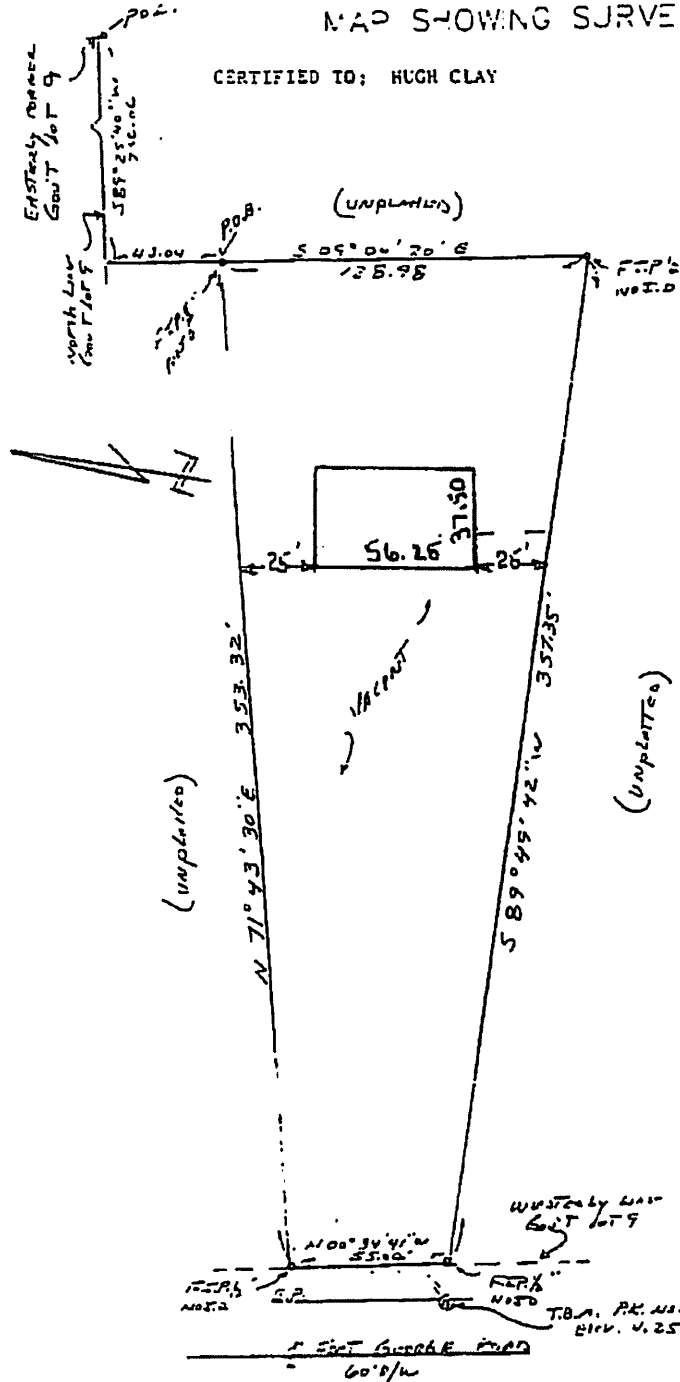
Subject to Fort George Road (a 60 foot maintained right of way).

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# MAP SHOWING SURVEY OF

CERTIFIED TO: HUGH CLAY



A portion of Government Lot 9, Section 14, Township 14S, Range 29E, Duval County, Florida, being more particularly described as follows: Commence at the northerly corner of said Government Lot 9; thence South 89°25'40" West along the Northerly line of said Government Lot 9, 756.06 feet; thence South 09°04'20" East 43.04 feet to the Point of Beginning; thence continue South 09°04'20" East 128.98 feet; thence South 89°49'42" West 357.35 feet to the Westerly line of said Government Lot 9; thence North 00°34'41" West along said line 55.00 feet; thence North 71°43'30" East 353.32 feet to the Point of Beginning. Containing 32273 square feet more or less or 0.741 acre, more or less.

Subject to Fort George Road (a 60 foot maintained right of way).

**LEGEND:**

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>⊙ F.I.P. - FOUND IRON PIPE/PI</li> <li>○ F.I.R. - FOUND IRON ROD</li> <li>⊕ S.I.R. - SET IRON ROD (L.S. 4620) 5/8"</li> <li>⊕ C.M. - FOUND CONCRETE MONUMENT</li> <li>⊕ C.C.M. - SET CONCRETE MONUMENT</li> <li>CONC. - CONCRETE</li> <li>LO - SURVEYOR'S IDENTIFICATION MARK</li> <li>R/W - RIGHT OF WAY</li> <li>CL - CENTERLINE</li> <li>R - RADIUS</li> <li>CD - CHORD DISTANCE</li> </ul> | <ul style="list-style-type: none"> <li>L - ARC LENGTH</li> <li>CB - CHORD BEARING</li> <li>T.B.M. - TEMPORARY BENCH MARK</li> <li>B.M. - BENCH MARK</li> <li>P.O.C. - POINT OF COMMENCEMENT</li> <li>P.O.B. - POINT OF BEGINNING</li> <li>P.C. - POINT OF CURVE</li> <li>P.I. - POINT OF TANGENCY</li> <li>P.C.C. - POINT OF CONVEX CURVATURE</li> <li>P.R.C. - POINT OF REVERSE CURVATURE</li> <li>P.I. - POINT OF INTERSECTION</li> </ul> | <ul style="list-style-type: none"> <li>ELEV./G. - ELEVATION</li> <li>N.G.V.D. - NATIONAL GEODETIC VERTICAL DATUM</li> <li>F.F. - FINISHED FLOOR ELEVATION</li> <li>O.R. - OFFICIAL RECORDS BOOK</li> <li>N.T.S. - NOT TO SCALE</li> <li>(D) - DEED MEASUREMENT</li> <li>(M) - FIELD MEASUREMENT</li> <li>(P) - PLAT MEASUREMENT</li> <li>BLK. - BLOCK</li> <li>P.R.M. - PERMANENT REFERENCE MONUMENT</li> <li>P.C.P. - PERMANENT CONTROL POINT</li> <li>(TYP) - TYPICAL</li> </ul> |
|---|---|--|

**NOTES:**

- according to the Federal Emergency Management Agency, FEMA map No. 17-492-A, Duval County, Florida, the property described herein appears to be in Zone 1.
- Date of bearing structure: Northern line Gov't Lot 9
- 589°25'40" W
- Encroachments to other tracts are or, if not shown, shall be as indicated by the surveyor.
- No easements or other rights, titles or interests were located or determined by this survey.
- The survey was made on or about the 21st day of June, 1996, and the surveyor was present at the time the survey was made.
- The survey was made by the use of a total station and other electronic instruments.
- The survey was made in accordance with the Florida Statutes, Chapter 472, Florida Surveying and Mapping.
- The certification of this survey is a professional opinion based on the existing facts and documentary evidence available at the time the survey was prepared.

66-0819	DATE	F.B.	PAGE	REVISIONS
Boundary	8-21-96	1L	-	

SCALE 1"=50'

**DEVINO**  
 & Associates, Inc  
 ENGINEERS & SURVEYORS

3505 US 1 SOUTH, SUITE #3  
 ST AUGUSTINE, FLORIDA 32086  
 904-797-1867 FAX 904-797-2049

CERTIFICATION I HEREBY CERTIFY that the survey shown hereon meets Minimum Technical Standards as set forth in Chapter 61C17-6 Florida Administrative Code, pursuant to Section 472.02, Florida Statutes.

*Nicholas H. Franklin*  
 NICHOLAS H. FRANKLIN  
 Professional Land Surveyor L.S. #620  
 L.D. #6012

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING VARIANCE V-97-158**

**Location:** East side of Fort George Road north of Heckscher Drive

**Zoning Variance Sought:** To reduce required road frontage from 80 feet to 55 feet; transferable

**Present Zoning:** Residential Low Density-B (RLD-B)

**Planning District:** North

**Current Land Use Category:** Rural Residential (RR)

**City Council District:** 11

**Owner:** Hugh Clay  
4622 Ramona Boulevard  
Jacksonville, FL 32205

The Planning and Development Department hereby forwards to the Planning Commission its findings and recommendation on Application for Zoning Variance V-97-158.

**GENERAL INFORMATION**

Application for Zoning Variance V-97-158 requests to reduce the required road frontage from 80 feet to 55 feet. Along with an adjacent lot, the subject property was rezoned (Ord. 95-294) from Residential Rural (RR) to RLD-B in 1995. An associated Future Land Use Map amendment was enacted by Ord. 95-256 changing the same from the Conservation (CSV) functional land use category to the current RR category.

**DEFINITION**

According to Section 656.1601 of the Zoning Code, the term *variance* means a relaxation of the terms of the Zoning Code which will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. A variance is authorized only for reduction of minimum street frontage, minimum lot area and required yards, minimum number of required off-street parking spaces, minimum landscaping requirements, minimum distance limitations for liquor licenses, increase of maximum height of structures, maximum lot coverage by all buildings, required barrier fence opacity, maximum sign size and maximum number of signs allowed; provided that the signs for which the

variance have been granted must be used exclusively for non-commercial messages. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning district. A modification to lot requirements so as to increase the permitted density of multi-family dwellings shall not be considered a variance and is specifically prohibited. A variance shall not change the uses permitted or permissible by zoning exception in a zoning district.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.132 (c) of the Zoning Code, the Commission shall grant a variance only if it finds from a preponderance of the evidence that the variance meets, to the extent applicable, each of the following standards and criteria:

- (i) That the property has unique and peculiar circumstances which create an unnecessary and undue hardship;

*No information was provided in the application to substantiate any unique and peculiar circumstance of the subject property. According to the application, the parcel was created in 1983 and purchased by the applicant in 1995. According to the legal description, the subject property contains approximately 0.74 acres of land with 55 feet of road frontage along Ft. George Road. The width of the rear lot more than doubles to 128.98 feet. Upon review of the application, the Planning and Development Department concluded that no unique or peculiar circumstances which create an unnecessary and undo hardship was caused by the land.*

- (ii) That the variance is the minimum necessary to alleviate the hardship;

*It is the opinion of the Planning and Development that requested variance would not be the minimum necessary to alleviate the hardship since no hardship was identified.*

- (iii) That the need for the variance is not the result of the actions of the property owner;

*The petitioner did not provide information in the application to demonstrate that a hardship exists which was not created by the actions of the property owners but rather, due to the unique circumstances of the subject property. It appears that the need for the variance is the result of the previous owner's desire to subdivide the property without the required road frontage. Therefore, in the opinion of the Planning and Development Department, the petitioner's Application for Zoning Variance is a self-imposed hardship.*



- (iv) That the grant of variance would not create a detriment to adjacent and nearby properties or the public in general;

*The granting of the variance should not create a detriment to adjacent and nearby properties or the public in general because the surrounding area is in the RR and CSV functional land use categories with limited development potential due to the surrounding wetlands and the historic presence of being located on Ft. George Island.*

- (v) That the variance would not substantially diminish property values or alter the general character of the area;

*It is the opinion of the Planning and Development Department that to grant the proposed variance to allow for a reduction of the required road frontage from 80 feet to 55 feet would not diminish surrounding property values or alter the general character because of the limited development potential of the same.*

- (vi) That the effect of the variance is in harmony with the intent of the relevant area of the Zoning Code;

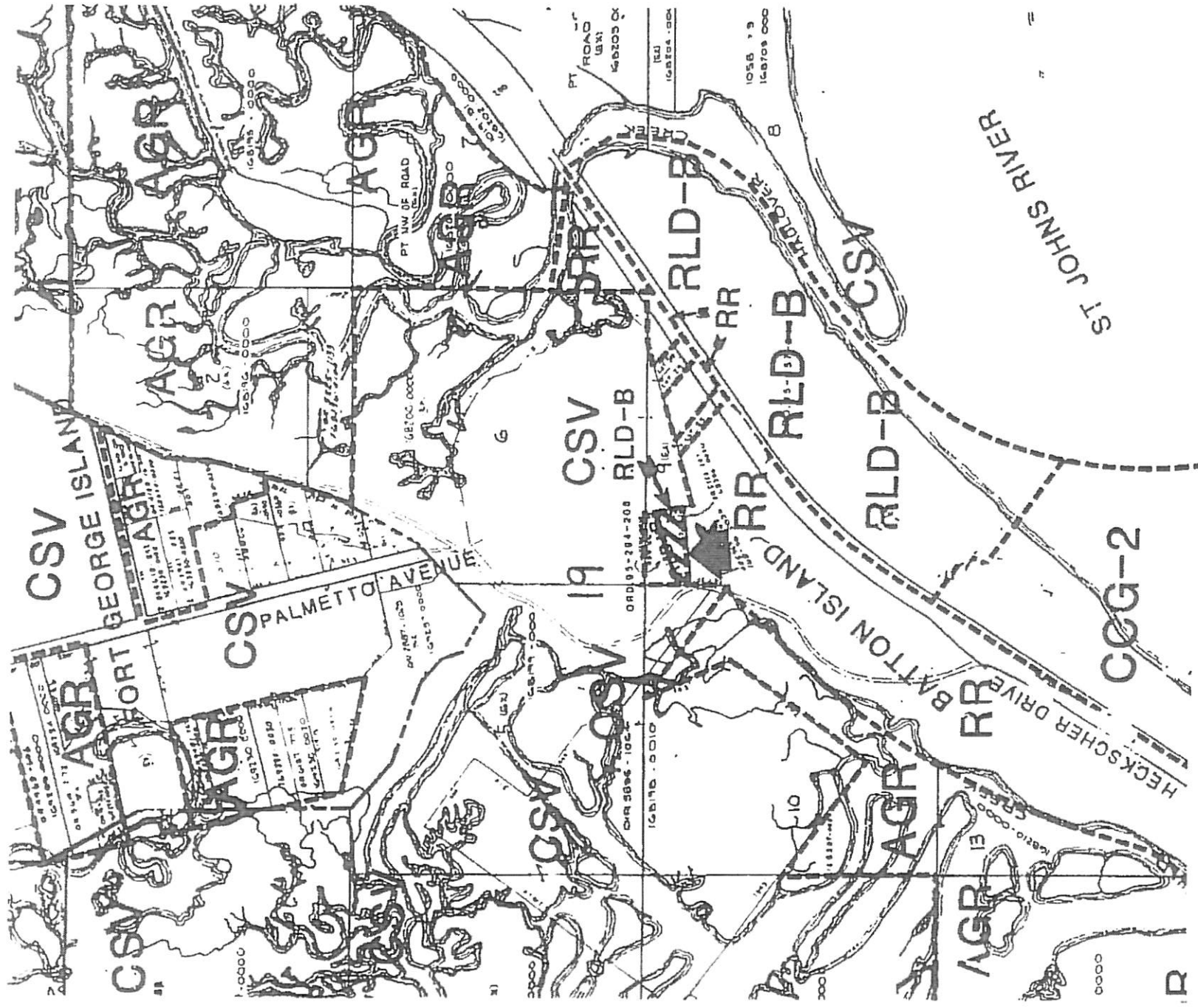
*It is the opinion of the Planning and Development Department that the sought request does not meet the standards and criteria for a variance as stated above, and that the same is a self-imposed hardship on the land.*


#### SUPPLEMENTARY INFORMATION

It should be noted that upon visual inspection of the subject property on January 20, 1998 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 the Application for Zoning Variance V-97-158 be **DENIED**.



<b>PLANNING AND DEVELOPMENT DEPARTMENT</b>		NORTH 
COUNCIL DISTRICT: <b>11</b>	ITEM NUMBER: <b>V-97-158</b>	
REQUEST BOUGHT		REDUCE ROAD FRONTAGE FROM 80 ft TO 55 ft

PLANNING AND DEVELOPMENT DEPARTMENT



*Current Planning Division*

December 14, 2007

Mr. Thomas R. Hahn  
1006 24<sup>th</sup> Street North  
Jacksonville Beach, Florida 32250

**RE: Zoning information for certain real estate property located at 10751 Ft. George Road East Jacksonville, Florida Duval County, Real Estate # (168206 0020)**

To Whom It May Concern:

Thank you for inquiring with the City of Jacksonville, Zoning Section. The above referenced property is zoned Residential Low Density-B (RLD-B), regulations are pursuant to Chapter 656.305, Jacksonville Zoning Code. A copy of the code is attached for your convenience.

The variance is considered commenced if the septic tank and drainfield was installed on the parcel within the 12 months from the approval of V-97-158.

If we may be of further assistance, please let me know.

Sincerely,

Brenda Charles  
Zoning Supervisor

*Recipient of the 2001 Governor's Sterling Award*  
Florida Theatre Building, Suite 700, 128 East Forsyth Street, Jacksonville, Florida 32202-3325  
Telephone: (904) 630-1900 Fax: (904) 630-2912 E-mail: JaxPlanning@coj.net

STATE OF FLORIDA  
DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES  
CRUSTACEAN DISPOSAL SYSTEM  
CONSTRUCTION PERMIT  
Authority: Chapter 181, FS & Chapter 10D-6, FAC

PERMIT # 88-1487-H  
DATE PAID 12/29/88  
FEE PAID \$ 220.00  
RECEIPT # 281018

CONSTRUCTION PERMIT FOR:  
[X] New System [ ] Existing System [ ] Holding Tank [ ] Temporary/Experimental System  
[ ] Repair [ ] Abandonment [ ] Other(Specify)

APPLICANT: MARY E. CLAY AGENT: HA

PROPERTY STREET ADDRESS: 10781 FT GEORGE ROAD E. JACQUESVILLE FL 32203

LOT: 2 BLOCK: HA SUBDIVISION: \_\_\_\_\_

PROPERTY ID # 182106-0030 (SECTION/TOWNSHIP/RANGE/PARCEL NO.)  
(OR TAX ID NUMBER)

SYSTEM MUST BE CONSTRUCTED IN ACCORDANCE WITH SPECIFICATIONS AND STANDARDS OF CHAPTER 10D-6, FAC  
REPAIR PERMITS AND HOLDING TANK PERMITS EXPIRE 90 DAYS FROM THE DATE OF ISSUE. ALL OTHER PERMITS  
EXPIRE ONE YEAR FROM THE DATE OF ISSUE. HRS APPROVAL OF SYSTEM DOES NOT GUARANTEE SATISFACTORY  
PERFORMANCE FOR ANY SPECIFIC PERIOD OF TIME. ANY CHANGE IN MATERIAL FACTS WHICH SERVED AS A  
BASIS FOR ISSUANCE OF THIS PERMIT, REQUIRES THE APPLICANT TO MODIFY THE PERMIT APPLICATION. SUCH  
MODIFICATIONS MAY RESULT IN THIS PERMIT BEING MADE NULL AND VOID.

SYSTEM DESIGN AND SPECIFICATIONS

T [ 000 ] (GALLONS / GPD) SEPTIC TANK/AERobic UNIT CAPACITY MULTI-CHAMBERED/TW SERIES: [Y]  
R [ 0 ] (GALLONS / GPD) CAPACITY MULTI-CHAMBERED/1M SERIES: [N]  
W [ 0 ] (GALLONS) BREAK INTERCEPTOR CAPACITY (GALLONS) CAPACITY SINGLE TANK: 1250 GALLONS  
K [ 100 ] GALLONS PER DOSE DOSEING TANK CAPACITY DOSE RATE (G) PER 24 HRS NO. OF PUMPS: [2]

D [ 226 ] SQUARE FEET PRIMARY BRAINFIELD SYSTEM  
B [ 0 ] SQUARE FEET SYSTEM

A TYPE SYSTEM: [ ] STANDARD [X] FILLED [ ] MOUND [ ]  
C CONFIGURATION: [ ] TRENCH [X] BED [ ]

F LOCATION OF BENCHMARK: PINE FLAGGING ON SOUTH FRONT OF PROPERTY  
E ELEVATION OF PROPOSED SYSTEM SITE IS [56.0] INCHES BELOW BENCHMARK/REFERENCE POINT  
S BOTTOM OF BRAINFIELD TO BE [66.0] INCHES BELOW BENCHMARK/REFERENCE POINT  
G FILL REQUIRED: [11.0] INCHES ENCRYPTION REQUIRED: [0.0] INCHES

G MUST BE LEVEL WITH ONLY 1" SLOPE FOR EVERY 10' MUST MAINTAIN 75'  
T RET. BACK FROM ANY HOLE, 15' FROM ANY PROPERTY LINE.  
M \_\_\_\_\_  
N \_\_\_\_\_  
R \_\_\_\_\_

SPECIFICATIONS BY: D. O. [Signature] TITLE: ENV. SPEC. I  
APPROVED BY: Mary E. Clay [Signature] TITLE: ENV. SPEC. I DUVAL COUNTY

DATE ISSUED: 12/16/88 EXPIRATION DATE: 06/16/89

**MITCH BRANCH & ASSOCIATES, INC.**  
6114 GOODMAN ROAD, SUITE # 2  
JACKSONVILLE, FLORIDA 32244

**April 2, 2008**

**Dear Mr. Hahn,**

**We have reviewed the provided documentation and performed a site inspection on Duval County parcel # 198208-0020, 10751 Fort George Road.**

**The road frontage zoning variance (V-97-158) granted; February 12, 1998 is still in compliance, per zoning letter dated; December 14, 2007. A site inspection was performed on March 17, 2008; confirming physical evidence the septic system was installed at the above described property.**

**The septic system installed; January 20, 1999 by AA Septic Tank Services should be adequate for a 3 bedroom residence under 2251 conditioned square feet, per septic permit # 98-1499n; dated 12/25/1998.**

**The above described property lies in a flood zone and wind debris zone.**

**It is our professional opinion as a construction permitting agency; this property should have no problems obtaining construction permits for the above described property. However, any planned residence for this property must meet all the Florida building codes for flood and wind debris zoned properties.**

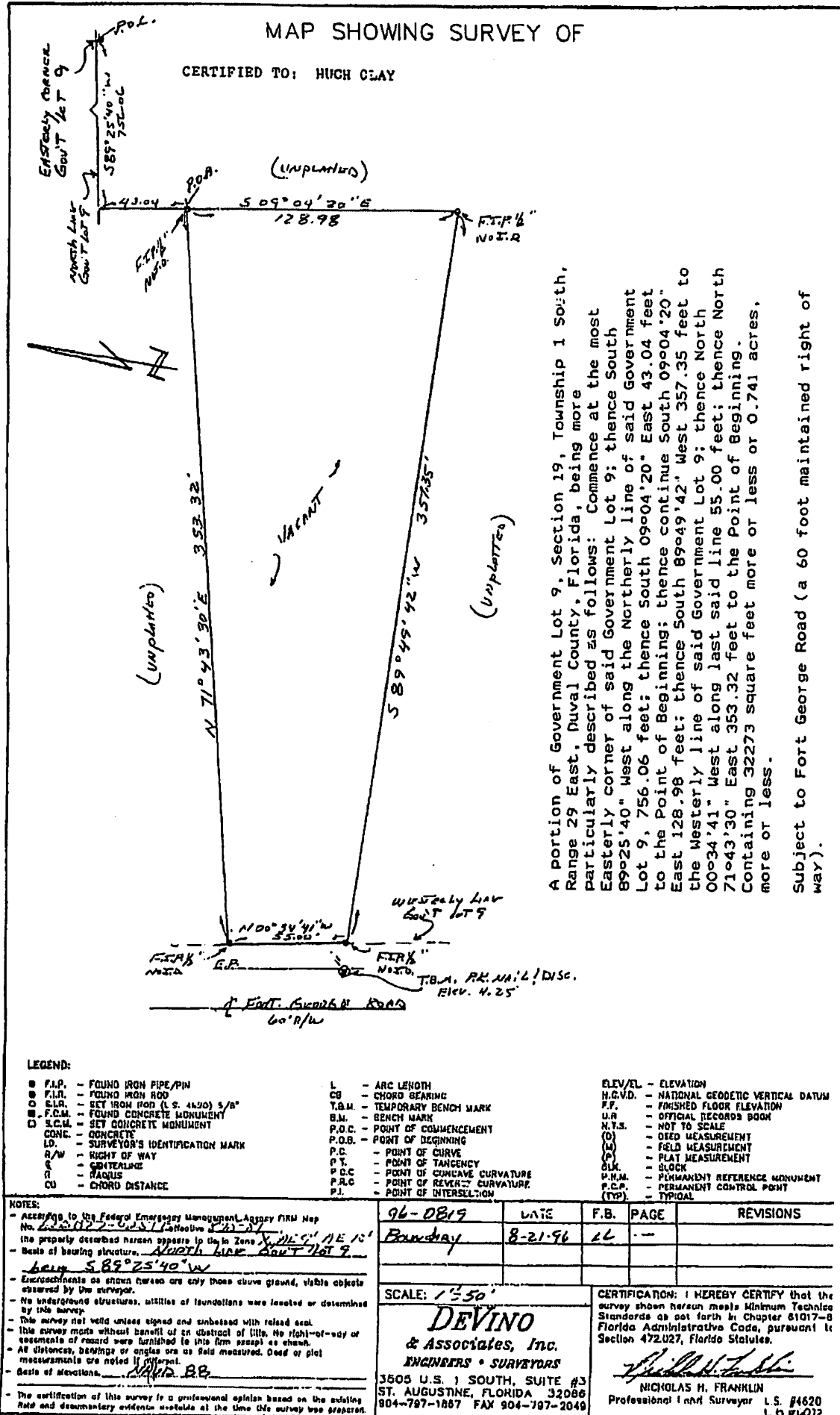
**Thank you for allowing us to serve you again. We appreciate your business. Should you any questions regarding the above property, please do not hesitate to contact us.**

**Sincerely,**

  
**Mitch Branch**

# MAP SHOWING SURVEY OF

CERTIFIED TO: HUGH CLAY



A portion of Government Lot 9, Section 19, Township 1 South, Range 29 East, Duval County, Florida, being more particularly described as follows: Commence at the most Easterly corner of said Government Lot 9; thence South 89°25'40" West along the Northerly line of said Government Lot 9, 756.06 feet; thence South 09°04'20" East 43.04 feet to the Point of Beginning; thence continue South 09°04'20" East 128.98 feet; thence South 89°49'42" West 357.35 feet to the Westerly line of said Government Lot 9; thence North 00°34'41" West along last said line 55.00 feet; thence North 71°43'30" East 353.32 feet to the Point of Beginning. Containing 32273 square feet more or less or 0.741 acres, more or less.

Subject to Fort George Road (a 60 foot maintained right of way).

### LEGEND:

- F.I.P. - FOUND IRON PIPE/PIN
- F.I.R. - FOUND IRON ROD
- S.I.R. - SET IRON ROD (L.S. 4620) 5/8"
- F.C.M. - FOUND CONCRETE MONUMENT
- S.C.M. - SET CONCRETE MONUMENT
- CONC. - CONCRETE
- LD. - SURVEYOR'S IDENTIFICATION MARK
- R/W - RIGHT OF WAY
- ± - CENTERLINE
- ⊕ - NAUUS
- CU - CHORD DISTANCE
- L - ARC LENGTH
- CB - CHORD BEARING
- T.B.M. - TEMPORARY BENCH MARK
- B.M. - BENCH MARK
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.C. - POINT OF CURVE
- P.T. - POINT OF TANGENCY
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- (P) - PLAT MEASUREMENT
- BLK. - BLOCK
- P.M.M. - PERMANENT REFERENCE MONUMENT
- F.C.P. - PERMANENT CONTROL POINT
- (TYP) - TYPICAL

### NOTES:

- According to the Federal Emergency Management Agency (FEMA) Map No. 22002-0011 effective 4-21-01, the property described herein appears to be in Zone X, NE 1/4, 10'.
- Basis of bearing structure, NORTH LINE GOVT LOT 9
- BEARING 589°25'40" W
- Encroachments as shown herein are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey not valid unless signed and sealed with raised seal.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Ours or plot measurements are noted if different.
- Basis of elevations, NAVD 88
- The certification of this survey is a professional opinion based on the existing data and documentary evidence available at the time the survey was prepared.

96-0819	DATE	F.B.	PAGE	REVISIONS
Boundary	8-21-96	26	--	

SCALE: 1"=50'

**DEVINO**  
 & Associates, Inc.  
 ENGINEERS • SURVEYORS  
 3505 U.S. 1 SOUTH, SUITE #3  
 ST. AUGUSTINE, FLORIDA 32086  
 904-797-1887 FAX 904-797-2040

CERTIFICATION: I HEREBY CERTIFY that the survey shown herein meets Minimum Technical Standards as set forth in Chapter 81017-8 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

*Nicholas H. Franklin*  
 NICHOLAS H. FRANKLIN  
 Professional Land Surveyor L.S. #4620  
 L.H. #1012

NOTE: This survey does not reflect or determine ownership.